

PLANNING BOARD MEETING – SEPTEMBER 20 , 2021
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:03 p.m.

PRESENT

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

MEMBERS ABSENT

Denise Mayrer, Chairwoman

APPROVAL OF THE DRAFT MINUTES FOR — AUGUST 2, 2021

Shaughnessy moved, LaVoie seconded that the minutes be approved as the official minutes of that meeting.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**POSTPONE THE APPROVAL OF THE DRAFT MINUTES FOR — AUGUST 16, 2021
DUE TO NO QUORUM.**

PUBLIC COMMENT

NONE

PUBLIC HEARING

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

Dish Wireless published September 10, 2021

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

Public Hearing Opened at 7:06 p.m.

Dish Wireless

1000 Western Road

Proposed - New addition to tower

PB 9/20/21

Public Hearing Closed at 7:11 p.m.

2021-28/RA/199.-1-39./1

216-2021

William Stone, with Aerosmith representing for Dish Wireless was present for this meeting.

Mr. Stone stated went over what he spoke about at the August 16, 2021 meeting, they are looking to install Dish Wireless as a co-location to the existing cell tower at 1000 Western Road, what is going on the 120-foot tower will be a triangle platform that will be at the 90-foot elevation on the tower. They will be installing 3 antennas and 6 remote radios which would be 2 for each antennas and 1 DC surge arrester.

On the ground inside the existing fenced in compound, Dish will install a 5x7 foot concrete pad and on the pad, there will be a 3x3 foot radio cabinet and then some utility boxes. A structural analysis was done on the tower by TES on May 17, 2021 so with this installation and with reserve loading on this tower the structural capacity will be 94.9% utilized. There is 5% left before the tower will be maxed out.

Mr. Laberge stated he reviewed the application and found what the applicant told the board at the last meeting checked out, so he had no comments and after the public hearing he can go over the recommendations.

Mr. Aubin asked how many different providers are actually on that tower.

Mr. Stone stated there are 3 other co-locations currently on the tower.

Shaughnessy moved; Aubin seconded to close the public hearing.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Mr. Laberge briefly spoke about his letter and recommends the board can now adopt the negative declaration.

Laberge Letter Dated: September 15, 2021

Application Review

Dish Wireless - 1000 Western Road

SPB # 2021-28

We have received a copy of the Special Permit and Site Plan application from SBA Communications Corp. The application is for a co-location on an existing telecommunications tower at 1000 Western Road. The center line of the three new antennas are to be mounted at the 90' level of the existing 120' overall tower height. The antennas are approximately

6' in height. In addition, a new 5'x7' equipment pad and 8' ice bridge is being added inside the existing fenced closure.

The application has been reviewed in accordance with the Zoning Code §219-71 and §219-72A (34). Pending any substantive comments or other input received at the Public Hearing on this matter, we recommend the Planning Board consider the following:

1. Issue a negative declaration under SEQRA. A copy of the completed Short EAF is enclosed.
2. Grant a minor site plan modification for this project and approval of a Special Permit subject to the following conditions:
 - a. Proof of insurance to be provided as per §219-72A(34)(C)(19).
 - b. Any unused equipment shall be removed from the tower and site.
 - c. An annual inspection and report be submitted per the requirements of §219-72A(34)(C)(15).
 - d. A post installation field report in accordance with §219-72A(34)(C)(17) be submitted.

C: Craig Crist, Planning Board Attorney w/enc. (via email only)
William Stone, Airosmith Development (via email only)
Kri Pelletier, SBA Communications Corp. (via email only)

LEAD AGENCY

LaVoie moved; D'Angelo 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

D'Angelo moved; Aubin seconded that the Planning Board hereby classifies the proposed action as an **Unlisted Action** under **SEQRA**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: none

Waive the reading of the proposed negative declaration

Shaughnessy moved, LaVoie seconded to waive the reading **NEGATIVE DECLARATION**

Ayes. Noes. Motion carried.

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

Oppose: None

**RESOLUTION – SBA COMMUNICATIONS CORP. & DISH WIRELESS CELLULAR
CO-LOCATION PROJECT
(SEQRA)—ADOPTING NEGATIVE DECLARATION**

WHEREAS, SBA Communications Corporation (the “Applicant” or “Project Sponsor”) seeks to add Dish Wireless to the existing tower, within its existing compound, therefore a co-location on an existing telecommunications tower; and

WHEREAS, the proposed co-location is such that the center line of the desired three new antennas are to be mounted at the 90’ level of the existing 120’ overall tower height. The three antennas are approximately six feet in height. Additionally, a new 5’ x 7’ equipment pad and 8’ ice bridge is being added inside the existing fenced enclosure at the aforementioned location (the “Project Site”). The project is subject to sec. 219-71 and 219-72A(34)(a) of the Town’s zoning law. Site Plan Modification approval and a special permit are needed from the Planning Board; and

WHEREAS, the project, as amended, is a Type I action within the meaning of the State Environmental Quality Review Act (“SEQRA”); and

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

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

LaVoie moved: Shaughnessy seconded to **ADOPTING NEGATIVE DECLARATION**

6 Ayes. Noes. 0 Motion carried.

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

Oppose: None

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND
DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or “SEQR”). The Town of Schodack Planning Board (the “Planning Board”), acting as Lead Agency, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental

Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: SBA Communications Corp. Dish Wireless Co-Locate

SEQRA Status: Type I: **NO** Unlisted: **XX**
Conditioned Negative Declaration: **NO**

Location: Existing Tower, 1000 Western Road, Town of Schodack, New York (Tax ID 199.-7-2)

Description of Action:

SBA Communications Corporation (the “Applicant” or “Project Sponsor”) seeks to add Dish Wireless to the existing tower, within its existing compound, therefore a co-location on an existing telecommunications tower. The proposed co-location is such that the center line of the desired three new antennas are to be mounted at the 90’ level of the existing 120’ overall tower height. The three antennas are approximately six feet in height. Additionally, a new 5’ x 7’ equipment pad and 8’ ice bridge is being added inside the existing fenced enclosure at the aforementioned location (the “Project Site”). The project is subject to sec. 219-71 and 219-72A(34)(a) of the Town’s zoning law. Site Plan Modification approval is needed from the Planning Board.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Nadine Fuda, Director of Planning for the Town of Schodack
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Copies of this Notice have been sent to:

NA

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION
SBA Communications Corporation Dish Wireless Co-Locate

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a review of the Project, an Unlisted action, consisting of a co-location on an existing telecommunications tower at 1000 Western Road. The center line of the three new antennas are to be mounted at the 90' level of the existing 120' overall tower height. The three antennas are approximately 6' in height. In addition, a 5' x 7' equipment pad and 8' ice bridge is being added inside the existing fenced enclosure.

Application History

By application dated August 2, 2021 Applicant filed the subject application. The application noted the desired co-location and the desire to add a 5' x 7' equipment pad and 8' ice bridge. The matter was therefore first presented to the Planning Board at the August 16, 2021 meeting. At the September 20, 2021 meeting the Planning Board held a public hearing, designated itself as lead agency, classified the action and resolved to issue a Negative Declaration.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA EAF Part 2.

The Project is a SEQRA Unlisted action. The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer. The Town's Planning staff and the Planning Board members, several of whom are professional engineers, also carefully and reviewed the application and the EAF, including the technical reports.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria for Determining Significance

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

The proposed project has been designed to have no effect on ground or surface water quality or quantity. There is only minimal ground disturbance and minimal additional impermeable area.

The proposed project will not have an appreciable effect on traffic or noise issues. The equipment proposed on site generates very little noise and is placed far enough away from any property/lease lines that it will not be audible. The project generates no traffic except that during construction and routine maintenance.

There will not be a substantial increase in solid waste generation. The project does not generate any solid waste during its operation.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as there is only minimal ground disturbance and minimal additional impermeable area.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

There is no removal or destruction of large quantities of vegetation or fauna. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources since it is a co-location and not a new build.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part.

The project is not part of a critical environmental area.

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted.

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

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character since it is a co-location on an existing site.

- (vi) a major change in the use of either the quantity or type of energy.

The project will not create a major change in the use of either the quantity or type of energy. A backup generator is being added.

- (vii) the creation of a hazard to human health.

The project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards and is allowable under FCC regulations.

- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses since it is a co-location and not a new build.

- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not encourage or attract a large number of people.

- (x) the creation of a material demand for other actions that would result in one of the above consequences.

The project will not create a material demand for other actions that would result in one of the above consequences.

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Conclusion

The Planning Board, acting as Lead Agency in a review under SEQRA, has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, a Negative Declaration will be filed.

Waive the reading of the proposed special permit.

D'Angelo moved, LaVoie seconded to waive the reading **SPECIAL PERMIT**

6 Ayes. 0 Noes. Motion carried.

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

Oppose

**RESOLUTION - SBA COMMUNICATIONS CORP. & DISH WIRELESS CELLULAR CO-LOCATION PROJECT
(SEQRA)—ADOPTING SPECIAL PERMIT**

WHEREAS, SBA Communications Corporation (the "Applicant" or "Project Sponsor") seeks to add Dish Wireless to the existing tower, within its existing compound, therefore a co-location on an existing telecommunications tower; and

WHEREAS, the Board previously adopted a Negative Declaration for the project; and

NOW, THEREFORE, IT IS RESOLVED, that the Planning Board hereby adopts the attached special permit, which is incorporated herein by reference and the reading of which is hereby waived.

LaVoie moved, Aubin seconded that the Adopting the **SPECIAL PERMIT** for a **period of 5 YEARS**

6 Ayes 0 Noes. Motion carried.

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

Oppose none

STATE OF NEW YORK
TOWN OF SCHODACK

PLANNING BOARD

In the Matter of the Application
of

NOTICE OF DECISION

SBA COMMUNICATIONS CORP. &
DISH WIRELESS

File No. 2021-18

WHEREAS, the Applicants, **SBA COMMUNICATIONS CORP. & DISH WIRELESS** applied for a Special Permit to co-locate Dish Wireless to the existing tower, within the existing compound, therefore a co-location on the existing telecommunications tower at 1000 Western Road. The proposed co-location is such that the center line of the desired three new antennas to be mounted is at the 90' level of the existing 120' overall tower height. The three antennas are approximately six feet in height. Additionally, a new 5' x 7' equipment pad and 8' ice bridge is to be added inside the existing fenced enclosure at the aforementioned location (the "Project Site"); and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity by special permit in the subject zone; and

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

WHEREAS, following the aforesaid public hearing at which no opposition to the

proposed special permit was shown, at its September 20, 2021 meeting the Planning Board resolved to issue a Negative Declaration for the proposed action under SEQRA; and

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on September 20, 2021; and

It is hereby determined as follows:

1. Applicants applied for a Special Use Permit to co-locate Dish Wireless to the existing tower, within its existing compound, therefore a co-location on the existing telecommunications tower at 1000 Western Road. The proposed co-location is such that the center line of the desired three new antennas is to be mounted at the 90' level of the existing 120' overall tower height. The three antennas are approximately six feet in height. Additionally, a new 5' x 7' equipment pad and 8' ice bridge is to be added inside the existing fenced enclosure at the aforementioned location, the tax id of which is # 199.-7-2;
2. Section 219-72A(34) of the Town Code sets forth detailed requirements for personal wireless telecommunications service facilities.
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.
4. That the application for the Special Use Permit be granted for an initial period of 5 years on the express conditions set forth herein:
 - A. All conditions, approvals 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; and
 - B. Applicants are to supply proof of insurance per section 219-72(A)(34)(C)(19); and
 - C. Any unused equipment shall be removed from the tower and the site; and
 - D. An annual inspection and report be submitted per the requirements of section 219-72(A)(34)(C)(15); and

E. A post installation field report in accordance with section 219-72(A)(34)(C)(17) shall be submitted; and

F. Comply with the provisions of Section 219-72A(34) of the Town Code; and

G. Prior to the commencement of construction Applicants shall demonstrate to the Town's Building Department that the proposed foundations(s) meet all applicable setback requirements.

THEREFORE, PLEASE TAKE NOTICE THAT, the Planning Board of the Town of Schodack has **GRANTED** the Applicants a Special Use Permit to allow the requested co-location.

Dated: _____, 2021

DENISE MAYRER, CHAIRPERSON
SCHODACK PLANNING BOARD

Waive the reading of the proposed SITE PLAN resolution.

Shaughnessy moved; Leonard seconded to waive the reading.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION AUTHORIZING SITE PLAN APPROVAL—SBA
COMMUNICATIONS CORP. & DISH WIRELESS; File No.: 2021-28**

WHEREAS, the Applicants, **SBA COMMUNICATIONS CORP. & DISH WIRELESS** applied for a Site Plan approval concerning the proposed addition of Dish Wireless to the existing tower, within its existing compound, therefore a co-location on the existing telecommunications tower. The proposed co-location is such that the center line of the desired three new antennas are to be mounted at the 90' level of the existing 120' overall tower height. The three antennas are approximately six feet in height; and

WHEREAS, the Planning Board has adopted a Negative Declaration for the Project and adopted a special use permit; and

WHEREAS, additionally, a new 5' x 7' equipment pad and 8' ice bridge is to be added inside the existing fenced enclosure at the aforementioned location (the "Project Site"); and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity by site plan approval; and

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

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 unabled 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, thereafter, at its September 20, 2021, meeting, the Planning Board found and determined and authorized site plan approval pursuant to the terms set forth herein;

NOW THEREFORE BE IT RESOLVED THAT the Board determines the following according to 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 1000 western road have been designed to provide safe vehicular traffic access and include adequate road width. The proposed Project will not have any appreciable effect on traffic.

(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.

*There is not expected to be any pedestrian traffic other than for construction and routine maintenance; nevertheless, there is safe passageway for pedestrians to access the site.

(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, all of which will only be needed during construction and routine maintenance.

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

*Applicant's intent is to co-locate on the existing tower; it is compatible and arguable saves the construction of another tower. The site design is compatible with the zone in which it is placed.

(5) The adequacy of stormwater and drainage facilities.

*Existing drainage will not be changed; there is no anticipated increase in on or off-site drainage.

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

* The project as designed is not expected to generate any increased need for water supply and sewage.

(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 existing state is sufficient to provide sufficient visual and/or noise deterring buffer. There is not proposed any removal or destruction of large quantities of vegetation or fauna. The site's current landscaping is sufficient and will not be affected.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable 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 existing structure will be the co-location on the existing tower and the minor addition of an equipment pad and 8' ice bridge.

(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 when the improvement to the access road is completed.

(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.

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's September 13, 2021** letter (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned **September 13, 2021** letter from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board and in this resolution, as well as all other administrative matters all of which are incorporated herein by reference with full force and effect:

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 utilization of the subject property as a as proposed in the application upon the following conditions:

1. that the application for a Site Plan be granted.
2. all recommendations and conditions as set forth in the Laberge Group letter of September 13, 2021.

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—SBA COMMUNICATIONS CORP. & DISH WIRELESS; File No.: 2021-28

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

Scannell Properties
1701 Schodack Valley Rd (Rt. 150)
Proposed - Lot line adj.

2021-35/PD3/189.-10-40.131

Terresa Bakner from Whiteman, Osterman & Hanna was present for this meeting
Planning Board Attorney Craig Crist recused himself from this matter.

Chairman Johnson stated the applicant wants to combine the two lots Snook had done a few years ago back into one lot.

Mrs. Bakner stated she is here just in case the board has any questions on this application.

There were no questions or comments for the applicant's attorney.

TYPE II ACTION

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

Aubin moved, LaVoie seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

Shaughnessy moved, Leonard 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, Shaughnessy

Oppose: None

Caleb Development Co. LLC.
State Rt. 9J
Proposed - Lot line

2021-30/RA/177.-7-2.2

Fredrick Haley PLS (Professional Land Surveyor.) LLC. was present for this meeting.

Chairman Johnson stated we did at a previous meeting; the applicant is now back with a lot line adjustment to be able to install a septic system. He was told that all the tax map numbers will be added at the clerk's office in Troy,

Mr. Haley stated there are 2 numerical problems that Mr. Johnson pointed out that he would like to correct on the map and resubmit to the Planning office. he would like to board to conditionally approve the maps with the mistakes. The mistakes are 1. The total area under partial A should be 90.58 as it was on the original plans and the other numerical misstate is in the notes the proper tax identification is 177-7-2.2 it was written as 177-7-6.1.1.

TYPE II ACTION

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

LaVoie moved, D'Angelo seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

D'Angelo moved, Aubin 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, Shaughnessy

Oppose: None

James Dolder
328 Palmer Road
Proposed - Lot Line

2021-32/RA/178.-5-10

Kevin McGrath, Land Surveyor in Averill Park, was present for this meeting.

Mr. McGrath stated the applicant owns a large parcel of 35+ acres, Michael and Mary Meleco live in the small parcel of 1.27 acres and are looking to add 6.29 acres to their lot giving them a total of 7.56 acres. They plan on selling the remaining land listed as 29.55 acers.

Chairman Johnson asked about the easement that is shown for the lands of Stall.

Mr. McGrath stated that has been there for many years, its an existing driveway going to his property.

Chairman Johnson asked if that was going to be included in the plan.

Mr. McGrath stated yes, it is already a part of this large parcel and will still be subject to the same right-a-way.

Chairman Johnson asked if part of the property was in East Greenbush.

Mr. McGrath stated no, it's all in Schodack.

Chairman Johnson asked if the easement to the lands of Stall just for that property.

Mr. McGrath stated yes,

TYPE II ACTION

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

LaVoie moved, D'Angelo seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

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

Oppose: None

Ryan Hoffman

2021-31/HC/200.-9-30

1685 Rt.9

Proposed - Pizza Trails. Change in Tent

Ryan Hoffman, applicant was present for this meeting.

Mr. Hoffman stated he would like to move his wood fired pizza business into what was Delz Dows. He is simply signing a lease and opening up the business. His wood fire oven is on order so he will be using the existing pizza ovens and kitchen space.

Chairman Johnson asked about the short form EAF under items 10 and 11, it stated if the proposed action will connect to a public or private water supply and the same for the wastewater. The applicant checked (yes).

Mr. Hoffman stated they should be should both be (no) it is well water and septic.

Attorney Crest asked if the applicant consents to the amendment to the applications EAF.

Mr. Hoffman stated yes.

TYPE II ACTION

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

LaVoie moved, Leonard seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

CHANGE IN TENANCY

Aubin moved, Leonard seconded APPROVAL of a change in tenancy at "1685 Rt. 9"

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

Van Hoesen Station LLC
1735 Richwood Dr.
Proposed - PD-2 Site Plan

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

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

Mr. Lansing stated their ultimate goal tonight is to request the board consideration for a referral of the sketch plan to the Town Board. They have provided different revisions of the site plan, he then reviews the past meeting on the size of the lot and what it is they are looking to do, such as 192 markable affordable apartments and 70 town homes units. Also, they plan 5k sq. ft. club house, open space trails, a maintenance facility in the front of the site and 40 rental storage units for the tenants in the back of the property. they have gone through section 219-5 Sketch Plan Procedure and feel they have met all of the different items, and again they are here tonight looking for a referral to the Town Board

to get their review, they are anxious to obtain town board input and untimely obtain approval of the PDD.

Mr. Laberge spoke about his letter of September 16, 2021 (see below) he has received the new application, the mix of units has changed, as stated above. The other item that needs to be flushed out is SEQRA, typically this board would act on SEQRA even before making a recommendation on PD's to the town board. So, for SEQRA gets a little detail in terms of traffic studies and other back up information on the long form EAF that was submitted and the third item in his letter to point out is the sewer configuration. He received a copy of a correspondence letter dated September 15, 2021 from the town board reacting to the SEQRA lead agency coronation and my not be able to extend public wastewater. There are other minor items in his letter (see below).

Mr. Shaughnessy stated just to follow up on the sewer capacity issue, the demand for this project is about 65 thousand gallons per day, unfortunately the only capacity for the entire town is 45 thousand gallons per day so I don't see how we can make this work right now as it stands in its current condition. I don't see how we can move this forward to the town board knowing full well it doesn't work with the sewer requirements. He is loath to recommend this to the town board until this is resolved.

Attorney Crist stated he thinks the board should make a SEQR determination consistent with how often project have had before referral to the Town board.

Mr. Lansing stated as far as the wastewater for the project, the current configuration relies on public sewer, it is something they are looking to work with the town board on to try to obtain an extension to sewer district 6. With a hopeful sketch plan referral to the town board, he feels it is something have those discussions and try to work out some kind of arrangement, without sewer for the project they understand the project cannot move forward.

Mr. Ruthman spoke about Mr. Lansing comments on the not referring this to the town board absent some resolution of the sewer issue which he thinks is fair statement, the only remark he would make is that the way the sketch plan regs under the PD2 language are spelled out the planning board has to make some type of determine nation, whether its an approval, an approval with modifications or as it stated in the code a negative approval. And if that is the case, he would request the planning board make a negative recommendation to the town board. Or his preference would be approval with modifications from the planning board with the understanding conceptually at a high level this project several boxes, and also understand that there are some big questions marks. Obviously, sewer access is one, this is discretionary act on the part of the town board. He stated they are caught in the betwixt and between because they can't advance in dialog in

a meaningful way with the town board regarding the expansion of the sewer infrastructures.

Chairman Johnson asked our attorney Mr. Crist for the next step the board should take.

Attorney Crist stated he just echo what Mr. Laberge stated, that there are some open items that he doesn't believe is complete, and we need to complete SEQR, that is how this board has always interpreted the next step.

Mr. Ruthman stated just in terms in completing SEQR he thinks they have provided as much information as they can under the current sketch plan and application process. They are asking for some feedback from the planning board on if there are any necessary applications materials out lined in the section 219-195 which haven't been presented then they like to know which application materials are missing so they can supplemental that application. In the absence of that if the application is deemed complete for the purpose of the sketch plan and process then they would request respectfully the planning would make an approval with modification or disapproval ultimately of the sketch plan.

Attorney Crist asked what's your position when the SEQR process should be complete.

Mr. Ruthman stated the SEQR process would be completed during the preliminary site plan process spelled out in section 219-96 from what he understands.

Attorney Crist stated we have had that conversation in the past with this applicant on this very issue and the applicant at that time informed planning department personnel that it would go and talk to the town board on an informal basis to save themselves from having to go through the SEQR process.

Mr. Ruthman stated he has informal conversations with members for the town board.

Mr. Laberge stated the last PD process the board has had have been solar projects, so in prior to making a recommendation to the town board we completed the SEQR determination. Item number 5 in his letter dated September 16, 2021 states (#5 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) has been submitted. Supporting documentation including, but not limited to, SHPO "no affect" letter, endangered species information, traffic study, etc. should be submitted in order to aid in the analysis of potential impacts.) this has been the process of the planning board on PD's even before the recommendation is made the SEQRA determination has to be complete.

Mr. Ruthman stated they think this project meets the towns development and planning criteria, they think there is a stated need in the town for this type of housing option, they had a market study performed that identified the need for this type of project. There are some technical hurdles they have to get over so if they are able to have a conversation about those issues with town board, we feel pretty confident that they can have a more in-depth conversation at that level, frankly if they don't have the opportunity this project is going to move forward. If the planning board doesn't feel like it can make a recommendation or if it doesn't feel like it has enough information to make a negative recommendation to the town board, they would look to see what information is again necessary to get that recommendation.

Chairman Johnson said Mr. Laberge stated traffic which for the people that live in the subdivision and the people on Rt 9 are all concerned about the traffic and accidents in this area because of this project and other past projects. He doesn't know if that is going to be enough not approve but the board will have a discussion here.

Attorney Crist stated he made the recommendation but will go over it again, both he and Mr. Laberge are saying the same thing, before this board can recommend this matter complete for determination to the town board, we have to have the items identified as outstanding by Mr. Laberge as the engineer for the board and complete the SEQR process. That is what this board has always done.

D'Angelo moved LaVoie seconded to turn this action incomplete per the outstanding items in Laberge letter dated September 16, 2021 and until SEQR is completed.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Laberge Letter Dated: September 16, 2021

Re: **PD-2 Revised Concept Review**

Van Hoesen Station

SPB #2021-24

We are in receipt of a letter dated July 28, 2021 from Lansing Engineering, Part 1 of a Full Environmental Assessment Form (FEAF) signed 07/28/21, a Project Narrative revised 07/28/21, and the following plans dated 06/14/21:

- Concept Layout Plan revised 07/28/21;
- Conceptual Rendering dated 07/28/21; and
- Exhibit A - Open Space Areas dated 07/28/21.

PB 9/20/21

236-2021

We offer the following comments:

1. The application is for a PD-2 designation on the parcel currently zoned PD-3. The applicant has revised their proposal to include twenty-four (24), eight (8) unit apartment buildings, or 192 apartments, and seventy (70) townhomes, for a total of 262 units.
2. The applicant has submitted a sketch plan showing a revised potential layout. The current plan offers a choice in the type of housing (apartments vs. attached townhouses). It does not offer any different type of occupancy tenure. All units are proposed to be rented. 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. 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.
5. 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) has been submitted. Supporting documentation including, but not limited to, SHPO "no affect" letter, endangered species information, traffic study, etc. should be submitted in order to aid in the analysis of potential impacts.
6. The plan has been referred to the following for comment.
 - a. Rensselaer County Bureau of Planning & Economic Development.
 - b. Emergency Services.
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 65,900 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 has prepared plan sheet No. EX-A "Open Space Areas" to identify the various types of open space on the property. Based upon the natural area alone (40%), the applicant exceeds the required 35% for open space. Section 219-93(F)(3)(e) requires that the open space in a PD-2 project be ready to be dedicated to the Town and placed in a special park district, we recommend that only the water area and natural area which comprise 45% of the parcel, be considered open space for this

project. Doing so will make it easier to segregate the lands for the potential dedication described above.

9. Per the Planning Board's comments at the August 2, 2021 meeting, a minimum width for the natural area behind the townhomes on the south side of the property should be shown and could act as a buffer for the adjacent existing neighbors. Consideration should be given to eliminating this portion of the proposed trail traversing to make this area more of a true buffer.
10. The proposed trail to the south of the stormwater management area should be located as far as possible from the adjacent neighborhood to make this area more of a true buffer.
11. Pedestrian accommodations should be planned into the project across the frontage of the parcel in the form of a sidewalk or trail.

Very truly yours,
LABERGE GROUP

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)

Muslim Community of Troy
2655 Phillips Rd.
Proposed - Cemetery

2021-34/RA/177-8-1.112 & 41

Gavin Vuillaume, RLA form Environmental Design Partnership, and Asher Ata, Mustafa Thaleb, Haroon representatives form Muslim Community of Troy were all present for this meeting.

Mr. Vuillaume stated this project is new to the town they are proposing a cemetery on a 105-acre parcel on Phillips Road, he spoke about the sketch plan, the property has a mix woods and fields there is some topo related to some portions of the site showing a ravine and wetlands those areas will not be disturbed. There is about 35 acres on the norther part and about 18 acres in the southern portion of the property that they would not be developing. This will be like any typical cemetery with one access in with a small gathering place, within the gathering place you will have some parking for processional car will line up, there will potentially be a small pavilion where people will have small prayers prior to visiting the grave. There will also be a small maintenance building on site. this will be done

in phases, phase 1 will be about 5 and a half acres with about 250 plots, they plan to keep groves of trees here the plots will be.

Mr. Ashar Ata stated he is as associate professor of Albany Med.; they are a growing community in the capitol district. The current cemetery they have in North Greenbush area they are running out of space; they have been looking for land for almost 6 months and this site is a very nice piece of property for what they need it for.

Mr. Thaleb stated as for the current cemetery they are running out of room, they also are a green cemetery, there will be no concrete vaults, no bodies are allowed to be embalmed, the coffins are very basic made if pine wood, even the pathways and the roads are gravel no paving. The pavilion building has no walls just a roof so the people would be out of the elements to offer prayer. Everything is very basic.

Chairman Johnson stated he would like to see a little bit more of a buffer between the burial plots and the adjacent property lines on Phillips Road,

Mr. Vuillaume stated right now it is 30 to 40 feet but that can be increased to 70 feet or so.

Chairman Johnson stated he doesn't know how much goes on at a burial and the neighbors might want to not view the proceedings. And the access road should be able to handle the traffic, so no vehicles are on Phillips Road.

Mr. Thaleb stated it is very private and they want their privacy as well. The road will be wide enough to make sure people will be able to park on site.

Mr. Laberge asked if the burial plots are graded off and marked for use. Say in phase 1 the burial pods what field markers put in to be able someone.

Mr. Vuillaume stated everything will be done so each lot will be marked so there will not be any confusion as to where everything is.

Member discussion on the entire site and SEQRA

Green Dale Community Solar Farm
County Rt. 32
Proposed - PD-2 Utility Solar change in site plan

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

Hyde Clark Associate Attorney from Young/Summer, Gillian Black from Eden Renewables were present for this meeting.

Mr. Black stated they are here to go over the Green Dale solar project, they have added a second road access both are off of Route 32, having both driveways or roads it will reduce the cost of construction. The rest of the site has remained the same. They previously submitted plans showing the install directly up against the boundary or property line. They now are going to the zoning board of appeals for an area variance along the Niagara Mohawk property as the current approval plan is at the 200 setback.

Attorney Clark stated they had originally submitted an application with a reduced setback to the utility corridor that's owned by National Grid and a question came up from the planning board as to whether relief could be granted from the town board during the PD process of if they could have that from the zoning board. So they obtained a code enforcement officer interpretation that stated they need 200 foot setback from every property line which includes the utility corridor, they then appealed that decision to the zoning board who then upheld the code enforcement officer's determination so while they have amended their site plan to meet the 200 foot setback now that there is no NYSERDA incentive they have come back because this is the optimal design to have less of a setback to that utility corridor. Ultimately, they would go back to the zoning board for an area variance.

Mrs. Fuda stated to the board this is a site plan modification and then if you so wish to make a ZBA recommendation you would in accordance with this modified site plan.

Attorney Crist spoke to Attorney Clark about a call they had regarding the past and present process, and stated the ZBA just resolved that, they will accept the planning board as the lead agency for this amended application, so this board will be the lead agency and what would happen as this is being presented tonight, this board would have to make another SEQR determination on the amended application which involves the requested area variance at that time the board would then make a recommendation to the ZBA. Which then would go to the ZBA for an area variance then comes back to the planning board for site plan.

Attorney Clark stated correct, the zoning board was never involved with SEQR. The zoning board waived the right to do lead agency, so the planning board will continue to be lead agency. From the development standpoint there is really no difference in the site or wetland disturbance, based on that they feel because the board never issued a final site plan from a SEQR standpoint this board is able to issue either an amended declaration if you feel that something has changed in the project that would either require a changed negative or a positive declaration.

Mr. Black stated they have reached out to Columbia County DOT to get a meeting to get feedback from their engineers on the second access point. They will have some extra screening trees in the Kinderhook portion.

Chairman Johnson stated Kinderhook hasn't been notified yet of this new application.

Mr. Black stated not as of yet.

Mr. Laberge stated and the approvals in Kinderhook would be another site plan modification. He spoke about the September 13, 2021 letter (see below) the current setback is 25 feet, is that the fence from the property line?

Mr. Black stated no that would be to the module edges.

Mr. Laberge stated so the fence is even closer.

Mr. Black yes, the fence would be even closer to the National Grid feed parcel.

Mr. Laberge stated in the past we have considered everything inside the fence the facility.

Mrs. Fuda stated correct.

Mr. Laberge asked what the distance from the fence to the facility.

Mr. Black stated its probably 5 feet.

Mr. Laberge stated that is going to have to be verified on the plans.

Chairman Johnson asked if they were going to need a road between the fence and the lands of National Grid.

Mr. Black stated no, they keep about 15 feet in between the fence and the module row.

Chairman Johnson stated first it was a 25 feet setback and now it is 5 feet.

Mr. Laberge stated this need to be quantified back in a letter to both boards. It is not really 25 feet it is 5.

Mr. Black stated is that is how it is measured then they will correct it.

Chairman Johnson stated the code is providing a buffer of 200 feet, which is significant to some projects but this is a huge project, we are looking to get a buffer and we are expecting National Grid would be looking for a buffer, so we would expect you to go to National Grid to get there input on the buffer you have to present it accurately so we know when they respond that they are responding to what you presenting to this board.

Mr. Black stated he reached out to National Grid and are waiting for a feedback.

Mr. Laberge stated it might help our case to get an answer from National Grid.

Chairman Johnson asked if at the next meeting the applicant could have responses from both National Grid and Kinderhook.

Attorney Clark stated he can try the best he can with National Grid.

Mr. Johnson stated one other question he had was the 2 access points are they 2 points of interconnection now.

Mr. Black stated no it is a single point of interconnection. The plans show 2 and that is wrong, he will have it adjusted.

Laberge Letter Dated: September 13, 2021

Re: **Revised Site Plan Preliminary Review**
Green Dale Solar
SPB # 2020-28
Town of Schodack Planning Board

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

- Letter from Young/Sommer LLC dated 09/07/2021 regarding project intent as it relates to approval of a revised previously approved site plan for the Green Dale Solar project SPB # 2020-28;
- Full Environmental Assessment Form, Part I-Project and Setting signed and dated 02/04/2021, updated 04/13/2021;
- Environmental Design Partnership, LLP (EDP), Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet 1 thru 10 of 10, dated 01/22/2021 revised to 09/02/2021;
- EDP Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet E-100 (Electrical Details by Others) dated 01/22/2021 revised to 09/02/2021; and
- EDP Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet 1 of 1 (Wetland Disturbance Plan) dated 01/22/2021 revised to 09/02/2021.

We find the revised plans (amended Site Plan) generally in conformance with that previously approved, with the following exceptions which will require the applicant to address sufficiently should the application advance.

1. The project now proposes to extend solar arrays into the 200-foot rear yard setback, providing a 25-foot setback from the rear property line. As such, the project should be referred to the Town Zoning Board for an area variance.
2. An updated Stormwater Management Narrative/Report and Storm Water Pollution

Prevention Plan should be submitted for review that addresses the proposed additions/changes to the site plan.

3. The plans should include a project phasing plan similar to the one previously approved.
4. Plans now indicate a pervious access road section in the middle of the farm and under proposed arrays to apparently allow a wetlands crossing. The intent of this road should be stated, and if required for future maintenance, how vehicles will utilize the road. If retained in the design for approval there may need to be gaps in the arrays added to allow vehicle access.
5. The plan now indicates two access points. It should be clarified if there are now two points of interconnection on Rte. 32.
6. An original review comment requested 1"=30' scale or larger drawings showing the point of connection, utility poles, equipment, etc. and is required for this re-submission for site plan amendment approval.
7. The plans indicate a type "C" overland flow dispersion device that will likely need frequent maintenance as opposed to other options presented in the construction detail for a flow dispersion device. As such, this option should be deleted due to future earth disturbances that would be associated with this option.

Please contact our office with any questions or comments on the above.

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

Jon Strodl
1920 Rt. 9
Proposed - Tire sales and installation

2021-6/HC/189.-9-3.1

Mrs. Fuda stated we are just adopting the resolutions

Waive the reading SITE PLAN APPROVAL

Shaughnessy moved, LaVoie seconded to waive the reading.

6 Ayes. 5 Noes. Motion carried.

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

Oppose None

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

6 Ayes. 5 Noes. Motion carried.

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

Oppose None

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—JON STRODL; File No.: 2021-16

WHEREAS, by Application dated March 10, 2021, the Applicant, JON STRODL, applied for a Site Plan approval concerning the proposed operation of a tire sales and installation operation along with a two-family residence at 1920 Route 9 in the Town of Schodack, Tax Map (189.-9-3.2), which property is located within a Highway Commercial (HC) District; and

WHEREAS the Zoning Schedule of Use Regulations of the Town Code permits such activity within a HC district by site plan approval; and

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

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.

WHEREAS, thereafter, at its August 16, 2021, meeting, the Planning Board found and determined and authorized site plan approval pursuant to the terms set forth herein.

NOW THEREFORE BE IT RESOLVED THAT the Board determines the following according to 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 US Rt 9 have been designed to provide safe vehicular traffic access and include adequate road width. The proposed Project will not have any appreciable effect on traffic.

(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. In addition, the automobile entrance and parking area provides safe passageways for pedestrians to access the site.

(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. There are 14 parking spaces for the business and residence/apartments.

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

*Applicant's intent is to use the existing structure for an office and tire sales and service and for residential usage. The site design is compatible with the zone in which it is placed.

(5) The adequacy of stormwater and drainage facilities.

*Existing drainage will not be changed; there is no anticipated increase in on or off-site drainage.

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

* The project as designed will be adequate for water supply and sewage.

(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 existing state is sufficient to provide sufficient visual and/or noise deterring buffer. There is not proposed any removal or destruction of large quantities of vegetation or fauna. The site is being landscaped consistent with other commercial retail properties in the vicinity.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable 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 existing structure will be the site of all tire changing activities; see also #7 above. Any noise generated is consistent with background noise generated from the state highways and retail plaza.

(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 when the improvement to the access road is completed.

(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.

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's July 30, 2021 letter (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned July 30, 2021 letter from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board and in this resolution, as well as all other administrative matters all of which are incorporated herein by reference with full force and effect:

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 utilization of the subject property as a vehicle tire sales and repair facility as proposed in the application upon the following conditions:

1. that the application for a Site Plan be granted;
2. all recommendations as set forth in the Laberge Group letter of July 30, 2021.

by the following vote:

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

Chris Pitrone
761 County Rt. 7
Proposed - Retail Store

2021-29/LB/190.1-9-15

Waive the reading SITE PLAN APPROVAL

D'Angelo moved; Leonard seconded to waive the reading.

6 Ayes. 5 Noes. Motion carried.

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

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

6 Ayes. 5 Noes. Motion carried.

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

**RESOLUTION AUTHORIZING SITE PLAN APPROVAL—CHRIS PITRONE;
File No.: 2021-29**

WHEREAS, by Application dated August 2, 2021, the Applicant, CHRIS PITRONE, applied for Site Plan Approval to allow the operation of a retail store (“The Junk Drawer”) to be located within a Local Business (LB) District; and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity within an LB district by site plan approval; and

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

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 unobstructed 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, thereafter, at its August 16, 2021, meeting the Planning Board found and determined and authorized site plan approval pursuant to the terms set forth herein;

NOW THEREFORE BE IT RESOLVED THAT the Board determines the following according to 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 the subject property off of County Route 7 has been designed to provide safe vehicular traffic access. The proposed Project will not have any appreciable effect on traffic.

(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 are consistent with the existing building, providing access to the building and a sufficient number of parking spaces.

(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 for the subject business.

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

*Applicant's intent is to use the building consistent with the manner it has long been used. The site design is compatible with the zone in which it is placed.

(5) The adequacy of stormwater and drainage facilities.

*Existing drainage will not be changed; there is no anticipated increase in on or off-site drainage.

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

* The project as designed will be adequate for water supply and sewage.

(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 existing state is sufficient to provide sufficient visual and/or noise deterring buffer. There is not proposed any removal or destruction of large quantities of vegetation or fauna.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable 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 existing structure will be once again used as a retail store, known as “The Junk Drawer.” Any noise generated will be consistent with prior uses.

(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.

(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.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the **site plan is GRANTED;**

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 utilization of the subject property as a retail collectibles store:

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

ADJOURN

Shaughnessy moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:38 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning

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