

**PLANNING BOARD MEETING - OCTOBER 18, 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  
James Shaughnessy, P.E.  
Nadine Fuda, Director  
Attorney Craig Crist, Esq.  
Richard Laberge, P.E. Planning Board Engineer  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

Andrew Aubin, P.E.

**APPROVAL OF DRAFT MINUTES — OCTOBER 4, 2021**

Johnson moved, LaVoie seconded that the draft minutes be approved as amended as the official minutes of that meeting.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**Public Hearing**

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

Catherine Schell published October 9, 2021

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

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Public Hearing Opened at 7:07 p.m.

Public Hearing Closed at 7:10 p.m.

**Subdivision / Lot line**

Catherine Schell

2021-36/R20/196.3-1-1

Morey Park Road

Proposed - 2 lot & lot lines

John Dunn, surveyor and Steve Hart, Hart Engineering were present for this meeting.

Mr. Dunn stated he made the changes requested at the last meeting by fixing the lot acreage amounts on the Oats lot.

There were no more questions for the applicant.

#### **CLOSE PUBLIC HEARING**

LaVoie Moved: D'Angelo seconded to close the public hearing/

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

#### **LEAD AGENCY**

LaVoie moved, Shaughnessy seconded that the Planning Board be **LEAD AGENCY** for the following 2 lot subdivision and 1 lot line.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

#### **TYPE II ACTION**

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

Johnson moved: Shaughnessy seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: none

#### **APPROVAL OF PROPOAED PROJECT:**

**NOW, THEREFORE, BE IT RESOLVED**, that the application of **Catherine Schell** be **APPROVED CONTINGENT UPON** submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

D'Angelo moved, LaVoie seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

**Subdivision / Lot line**

Schodack Golf

2021-38/RA-R20/188.-5-5.11

92 Schuurman Road

Proposed - 11 lot subdivision

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated he is here to represent Schodack Golf LLC. located at 92 Schuurman Road. He presents an overall map showing the 36-hole golf course which is approximately 294 acres, the frontage is about 2000 feet which is where there are proposing 11 single family lots. As well as the access drive for the golf course. There are two different zones along the front of the property. the first 200 feet off of Schuurman Road is zoned R20 and the remaining lot is in the RA zone. There is a flag lot and a house along the side of the property next to the housing development. The R20 zone requires 40k sq. ft. lots with 150 ft of road frontage, all of the lots have that. They have existing water line that ends at the privet driveway to the golf course, they are looking to run it another 900 feet to the end of the property and hook up the remining lots to water along Schuurman Rd, each lot will have its own septic system the land is all gravel and sandy, so they don't anticipate any issues with Rensselaer County Health Department on the approvals.

Mr. Johnson he read code section 219-9.D Intersection Boundaries "Where a district boundary line divides a single lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot may, at the owner's discretion and with the exception of the flood overlay districts, extend not more than 30 feet into the more restricted portion, provided that the lot has street or highway frontage in the less restricted district." For the record so in his mind they are going to need an interpretation from the ZBA or agreements from the rest of the board on the mixed zone, you can only go into the other zone by 30 feet. He feels the lots need to be adjusted before he is willing to except this current proposed plan. He asked if they plan on the current road going into the golf course be made into a future town road.

Mr. Hart stated the road is going to remain and the intent is to operate the golf course and get the pro shop up and running with the private drive, part of the agreement with the Bove family (legal matters) it has to stay 100 foot wide so if or when it should turn into a town road they would probably be able to take 20 feet off each side could go to lot 6 and lot 7 that are either side of the private drive.

Mr. Johnson stated what you are saying is all in the future and assuming that happens but what needs to be is to make sure its looked at now for the people who buy these lots, maybe have the access to the lots from the privet road instead of Schuurman Road. he

also asked it says this is an 11-lot subdivision, but it is actually 11 building lots with remaining lands so it's a 12-lot subdivision. He asked if there were plans for water to go to the remaining lands.

Mr. Hart stated no he believes that there is already a (T) on Schuurman Road next to the private access.

Mr. Johnson asked, wouldn't it make since for them to request for the change in the water district to include the area of the golf course.

Mr. Hart stated he has spoke to Laura Palmer in the comptroller's office and the town engineer Mr. Laberge on the water connection. And add this plan to the water to the including the pro-shop.

Mr. Johnson asked if there was a need for a second access road.

Mr. Hart stated all along the property line the homeowner has and easement to his home and what they plan to do is add another 10 feet to that easement making it a 60 feet wide in case it should ever need to be a town road.

Mr. Johnson stated so that is what you propose to use as a second access should you build behind these proposed houses.

Mr. Hart stated yes, were trying to think ahead for the just in case scenario.

Mr. Johnson stated he is trying to get them to think ahead, there is a lot of land that is not going to be used as a golf course, you don't know what will happen in the future.

Mr. Hart stated the area behind the houses will most likely be used as the front/public 9 holes and what they always use to call the private 18 would be from the pro shop and beyond.

Mr. Hart asked attorney Crist where he would get a determination on building in the 2 different zones.

Attorney Crist stated that would come from the building inspector.

Mr. Laberge asked if there is an existing driveway to the house shown on the plans in the back.

Mr. Hart stated it's a crusher run driveway into the back of the site.

Mr. Laberge stated this is a major subdivision because of the number of lots and the water extension, he asked about their plans on the storm water.

Mr. Hart stated they would like to keep everything down beneath a 5 acres disturbance because of the SWIPP and would like to treat everything on site.

Mr. Johnson stated there is a town drainage going towards Brookview Road.

Mr. Hart asked how far down the road, he is not familiar with it.

Mr. Johnson stated it is 2 or 3 houses past the golf course, there is a 60-foot easement for drainage in front of the lots.

Mr. Laberge stated the concept for individual drainage is fine, it just has to be done in such a way that the homeowners remembers to maintain the area and not fill it in.

There was nothing else for this proposal it will now go to engineering for review.

**Recommendation to ZBA**

Kenneth Morris

Z802-21/RA/210.-4-7.11

94 Shufelt Road

Proposed - area variance

Kenneth Morris, applicant was present for this meeting.

Mr. Morris stated he is looking to put in a garage in front of his home,

Mr. Johnson stated is there any way the garage can't go on the side of the house or in the back of the house.

Mr. Morris stated the septic system is on the side of the house. It is another story down in the back of the home. , his wife has MS, and he needs to do this to keep the van and her in and out of the house not being exposed to the weather. The house is close to the road and the garage would be 25 feet closer to the road.

Mr. Shaughnessy asked if it just a front yard setback or is it also a coverage issue.

Mr. Morris stated he has 12 acres.

Mr. Johnson asked the application states "existing usage states home, intended usage will be a home and a garage, you are just looking to add a garage,

Mr. Morris stated correct just adding a garage, correct.

#### **TYPE II ACTION**

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

Johnson moved; LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

#### **RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; D'Angelo seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: none

#### **Recommendation to ZBA**

Keith and Laura Palmer

Z801-21/R-20/210.1-10-12

1506 Maple Crest

Proposed - area variance

Keith and Laura Palmer, applicant were present for this meeting.

Mrs. Palmer stated it is 39 feet from the house to the property line, the attached structure is 16 feet so they will be 7 feet into the sideyard setback.

Mr. Johnson stated on the plan shows the septic field beside the house which is the side you plan to build on. That is not going to be an issue is it.

Mrs. Palmer stated the septic field is actually in the front yard.

Mr. Palmer stated the septic tank is on the side of the house and the leach field is in the front.

#### **TYPE II ACTION**

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

LaVoie moved; Johnson seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: none

#### **RECOMMENDATIONS TO THE ZBA**

D'Angelo moved; Leonard seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: none

#### **Recommendation to ZBA**

Laura and Geoffrey Dunn

Z803-21/R20/177.12-5-12.19

2 Oakwood St.

Proposed - area Variance

Laura Dunn, applicant was present for this meeting.

Mrs. Dunn stated they would like to replace their deck and expand it and that would put the deck into the side yard setback, the unique thing is they own the adjacent lot next to the encroachment. The lot is only 60 feet wide, they purchased it when the town closed the wells in the area, and they want to keep that lot as wild. The only issue they have in merging the lots are the names are different on the deeds.

Mr. Johnson asked if the 60-foot lot is being called a building lot. And being assessed as such.

Mrs. Dunn stated she doesn't think it could be.

Mr. Johnson stated you might be interested in combining the 2 lots for tax reasons.

Mrs. Dunn stated she agrees, again the issue is one deed has Geoffrey and the other deed has Geff.

Mrs. Fuda stated they tried to do the merging, but it would take longer than coming in for a variance. They will have to do it at a later time if they still want to combine the two lots.

Mr. Shaughnessy stated it looks like by the plans this is a pre-existing non-conforming, and the southeast corner would be the closes to the property line, so you're only slightly encroaching into the setback on that corner.

Mrs. Dunn stated correct.

There were no more questions for the applicant.

#### **TYPE II ACTION**

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

Johnson moved; Shaughnessy seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: none

#### **RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; D'Angelo seconded a "POSITIVE" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: none

#### **MEMBER DISCUSSION**

#### **ADJOURN**

Leonard 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