

**PLANNING BOARD MEETING - JANUARY 3, 2022  
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

**PRESENT**

**Denise Mayrer, Chairwoman  
Wayne Johnson, P.E.  
John LaVoie  
Stephanie Leonard  
Andrew Aubin, P.E.  
James Shaughnessy, P.E.  
Nadine Fuda, Director  
Attorney Craig Crist, Esq. - via-phone  
Melissa Knights, Assistant to Director**

**MEMBERS ABSENT**

**Richard Laberge, P.E.  
Planning Board Engineer  
Lawrence D'Angelo**

**APPROVAL OF DRAFT MINUTES — DECEMBER, 20, 2021**

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

**PUBLIC COMMENT**

Resident spoke on the 2021-24 Muslim Cemetery application; she is requesting a vinyl fence be installed at her back property line for privacy since her property backs up to the phase 1 of the burial plots.

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

**Darcy Jankowski published December 23, 2021**

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

Public Hearing Opened at 7:05 p.m.

Public Hearing Closed at 7:06 p.m.

**Site Plan /Special Permit**

**Darcy Jankowski  
1295 Simons Road**

**2021-45/RA/199.-3-29.3**

Proposed - Ground mount solar

Hudson River Solar was unable to attend the meeting, the board had no questions.

Mr. Johnson stated on the resolution in the packet, the dates on the last page has not been filled in and one is dated December 2021.

Mrs. Fuda stated she can adjust them now before Chairwoman Mayrer signs them tonight.

Johnson moved; Aubin seconded that the Planning Board close the Public Hearing

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, : Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

Johnson moved; Aubin seconded that the Planning Board hereby classifies the proposed action as a **Type 2 under SEQRA**.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

LaVoie moved; Shaughnessy seconded to Approve and Adopting the Special Permit

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

Aubin moved; Johnson seconded to Approve and adopting the site plan modification.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

### Site Plan /Special Permit

Muslim Community of Troy  
2655 Phillips Rd.

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

Proposed - Cemetery Special Permit

### Muslim Cemetery

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

Mr. Baker stated they are here seeking site plan and special use permit approval on this application. They have responded to the Laberge letter dated December 28, 2021. He believes they have addressed all the issues that were raised by this board and the engineer. They are ready to answer any questions or issues.

Mrs. Fuda asked Mrs. Peterson what the length of her back property line is, she stated she did not know.

The board reviewed the map and discussed the back property line and Mrs. Fuda measured and stated it is roughly 150 to 200 feet.

Asher Ata stated they can try to address some of what Mrs. Peterson had raised, but the way they are proceeding the expected number of burials includes the crisis time of COVID so they expect the number will be about 50 per year and do not expect that to double.

Mr. Johnson stated up to now they have given us everything we have asked for, they increased the buffer, they will plant extra trees, they change the sequence of when they are going to open up the burial areas, he feels the vinyl fence is not going to be needed, if the trees grow in over the 50 years and with the 50-foot buffer there should be no issue.

Chairperson Mayrer stated that we will put a 5-year limit on the special permit and revisit it then and at that time if we have a plague then we will talk about a remedy to the issue. But in the meantime, in the 5 years and they have not exceeded the burial rates, and nothing is going on then I think we are fine.

Mrs. Leonard stated with the number of trees being planted it is important to offer some sort of replacement if any of the trees should die. They are important for making both you and the neighbors happy.

Mr. Sarwer asked for clarification on the 5-year limit for the special permit.

Chairwoman Mayrer stated it just means in 5 years if you exceeded the death rate and are burying numerous people, we would then consider the fence but if there are no issues you just renew the permit, no public hearing will be required.

## **Laberge Letter Dated December 28, 2021**

### **Final Site Plan Review**

MCT Cemetery

SPB No. 2021-34

We are in receipt of additional information as follows:

- A. Storm Water Pollution Prevention Plan (SWPPP), revised December 2021.
- B. Stormwater Management Narrative, revised December 2021.
- C. Project Plans "MCT Cemetery", dated December 10, 2021 consisting of eight (8) sheets.
- D. A response letter from EDP, dated December 1, 2021 with the Muslim Community of Troy "Rules and Regulations" and the ROW deed with crossing rites attached; and
- E. An "Evaluation of Groundwater Impacts" letter from Hanson Van Vleet, PLLC dated December 10, 2021.

We offer the following:

1. The project is in the RA zone and requires a Special Use Permit for a cemetery use, as well as site plan approval.
2. While the burial use is not subject to the Town's Water Quality Control Act (WQCA), the maintenance building use is in the Direct Recharge Area and requires a Special Permit under the WQCA. The use is subject to the constraints of §223-6(c) and other relevant portions of the WQCA.
3. Rensselaer County Department of Health approvals will be required before either the well or septic can be installed.
4. The applicant has indicated they wish to have only one access; however, leaving room for a second access is prudent. The applicant shall leave an emergency access corridor 24 feet wide in the northeast corner of the project which could connect to the northeast corner of the parking area. The corridor shall be shown on the site plan and labeled as "Reserved for future access".
5. The "Limit of Disturbance" line should be shown on all plan sheets.
6. The landscaping plan should contain a prominent note stating, "Up to thirty (30) trees may be required at the discretion of the Town at locations determined by the Town along the northern and western property lines of the residential lots along Phillips Road during development of Phase 2".

7. Access drives and the parking area are still labeled as "gravel". All surfaces are required to be a dustless surface, which includes crushed stone. The applicant's site details includes a "Gravel Access Road" detail showing a 10" crushed stone subbase which is considered dustless. The "Gravel Pavement" detail shows an "18" gravel subbase course" which is not considered dustless. The applicant should revise the "Gravel Pavement" to show 15" of gravel subbase course topped with a 3" crushed stone course, to create a dustless surface. The plan sheet labels should clearly define which detail applies for the parking area and which applies to the access roads. The labels on the site plan should not use the word "gravel".
8. The rules and regulations submitted with the applicant's December 1, 2021 review response letter shall be added to the Site Plan (sheet 4) and labeled as Special Use Permit conditions.
9. The note on the Site Plan (sheet 4) should be modified to indicate "Note: Burial areas shall be developed in sequential order from # 1 to # 9. Clearing and grading of # 6, #7, and #8 shall only occur after the plots in the burial area immediately preceding the burial area to be developed are 90% utilized per the number of plots estimated and shown on the site plan, versus the records of interments in that burial area.

#### SEQRA

We have reviewed the submitted FEAF Part 1, completed Parts 2 and 3, and recommend a Negative Declaration for this Type I action. A draft Negative Declaration will be forwarded under separate cover.

#### Recommendations:

Assuming the Board concurs with the above comments and recommendation for a Negative Declaration we recommend the following general course of action:

- A. Issue a Negative Declaration under SEQRA and notify the parties listed on the draft.
- B. Issue a Special Permit under the Water Quality Control Act.
- C. Issue a Special Permit for the use conditioned upon the applicants Rules and Regulations being conditions of the permit.
- D. Issue site plan approval conditioned upon:
  - i) Items Nos 4 through 9 being satisfied.
  - ii) Notification to the Town thirty (30) days prior to each succeeding burial area being graded or developed.
  - iii) All outstanding administrative items.

Richard F. Laberge, P.E. President

C: Craig Crist, Esq. (via email only)

Ashar Ata (via email only)  
Mustafa Thaleb (via email only)  
Haroon Sarwer (via email only)  
Gavin Vuillaume EDP (via email only)

LaVoie moved; Leonard seconded to **waive** the reading and to **adopt** the **NEGATIVE DECLARATION DETERMINATION OF NON-SIGNIFICANCE**

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, 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:** Muslim Community of Troy Cemetery

**SEQRA Status:** Type I: **XX** Unlisted: **NO**

Conditioned Negative Declaration: **NO**

**Location:** 2655 Phillips Road, Town of Schodack, New York (Tax ID 177-8-1.112 and 177-8-1.41)

**Description of Action:**

The Muslim Community of Troy (the "Applicant" or "Project Sponsor") seeks to develop a natural bury cemetery on approximately 20 acres of the 105± acre property. The proposed cemetery will consist of three phases with nine burial areas for a total of 5,000

plots. Cemetery roadways, parking, a maintenance building and a gathering pavilion area are all part of the proposed facility. The project is subject to Special Permit approval for both the Water Quality Control Act and the Use as well as Site Plan approval 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:**

NYSDEC  
Town of Schodack - Town Supervisor  
Rensselaer County Department of Health

Johnson moved; Aubin seconded to **waive** the reading and to **adopt RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—MUSLIM COMMUNITY OF TROY ("MCT"); FILE NO.: 2021-34**

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

**RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—MUSLIM COMMUNITY OF TROY ("MCT"); FILE NO.: 2021-34**

**WHEREAS**, the Applicant, MCT CEMETERY (hereinafter collectively the "Applicant" or "MCT"), applied for a Special Permit pursuant to Chapter 223 of The Code of the Town

of Schodack ("Town Code"), entitled "Water Quality Control Act" ("WQCA") in furtherance of its application to construct a cemetery at 2655-2657 Phillips Road in the Town of Schodack, Tax Map 177.0-8-1.112 and 177.0-8-41, Schodack, New York, a cemetery over three phases that will involve approximately 20 acres of land which will involve more than ten acres of physical ground disturbance; and

**WHEREAS**, the Project is located on a parcel that is +/- 105.4 acres and is located at the aforementioned address. The Project is located in the Direct Recharge Area as defined in the WQCA and is subject to the conditions contained therein, including, but not limited to sec. 223-6C(1) and other applicable sections and tables of Chapter 223; and

**WHEREAS**, as noted above, pursuant to said law, a special permit is therefore required under the WQCA and the use is subject to the conditions in said law. Applicant seeks approval of the proposed site plan and to obtain Special Permits under the WQCA and under Zoning for the use, as well as other permits and permissions from other entities, including a Town highway permit and permits for the proposed well and septic systems from the County of Rensselaer Health Department prior to the installation of either; and

**WHEREAS**, the proposed Project and the application that is the subject of this resolution have been the subject of significant review and discussion at numerous meetings, having been before this Board since September 20, 2021; and

**WHEREAS**, prior to the adoption of this resolution, this Board resolved to classify this action as a Type I action, and thereafter adopted a Negative Declaration of Significance, concluding review under the State Environmental Quality Review Act ("SEQRA"); 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 with 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 duly held on December 6, 2021; and.

**WHEREAS**, even notwithstanding the Board's Type I determination, it is the determination of this Board that the Project will not have any significant adverse impacts on the environment; and

**NOW THEREFORE BE IT RESOLVED THAT** this Board hereby determines that the proposed use, if the conditions of the October 15, 2021 and November 18, 2021 and



December 28, 2021 Laberge Group letters and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof;

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

1. this Special Permit shall have an initial term of 5 years from issuance of a Certificate of Occupancy.
2. compliance with the conditions set forth herein and in § 223-5(D) and 223-6(c) of the Town Code and all other applicable provisions of the Town Code.
3. compliance with all conditions set forth in the Laberge Group's October 15, 2021 and November 18, 2021 and December 28, 2021 Laberge Group letters to Denise Mayer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect.

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

**BE IT FURTHER RESOLVED THAT** in furtherance of the foregoing, it is the determination of this Board that the proposed Project has been designed to have no effect on either ground or surface water quality or quantity. The Project will receive coverage under the NYSDEC Stormwater SPDES General Permit due to its design which conforms with the NYSDEC Stormwater Design regulations; and

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

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

\*The proposed use is in the RA zone and is an allowable use therein and requires an approval of the proposed site plan and a special permit as well from this Planning Board.

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

\*There is no plan to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town substances that cause an exceedance of NYSDEC water quality standards. Furthermore, as more fully detailed herein, the discharge of stormwater is in accordance with NYSDEC Stormwater Design Regulations and a Stormwater SPDES General Permit. Most importantly, the conclusion of Applicant's engineer is that: "In conclusion, based on the site location, geology and site hydrology, the MCT Cemetery will not have any water quality or quantity impacts to the homeowner wells located on Phillips Road adjacent to the cemetery. The homeowner wells located on Phillips Road are all located upgradient of the proposed cemetery site. All of the water wells on Phillips Road are protected by a thick layer of glacial lacustrine clay which overlies the shale bedrock in this area."

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

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

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

\* A RCDOH permit for the proposed septic as well as any well will be issued.

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

\* The on-site septic system is designed for disposal of sanitary human wastes only.

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

\*The on-site septic system location is not within 200 feet of a community supply well.

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

\*There is no open storage of hazardous material, , or petroleum on site.

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

\*N/A.

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

\*N/A; see a . above.

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

\* No more than sixty gallons of petroleum shall be on site at any one time. The only storage of petroleum considered is for fueling on site equipment used during the construction and operation of the facility.

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

provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

\*N/A, however, we note that the stormwater is being treated to meet NYSDEC water quality standards for this type of project via the onsite stormwater facilities.

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

\*N/A - The proposed Project is not within 200 feet of a community supply well.

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

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

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

\*NA - The Project will not violate this provision.

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

Snow storage is not being centralized by the project.

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

**THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT** the Planning Board of the Town of Schodack has **GRANTED** the Application a Special Permit to allow the construction and operation of a cemetery on the subject property as proposed in the application and subject to the conditions set forth herein as well as in any other decision and/or resolution adopted for this Project by the following vote:

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

LaVoie moved; Leonard seconded to **waive** the reading and to **adopt SPECIAL USE PERMIT UNDER WQCA—MUSLIM COMMUNITY OF TROY ("MCT")**; FILE NO.: 2021-34  
6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

**STATE OF NEW YORK  
TOWN OF SCHODACK**

**PLANNING BOARD**

---

In the Matter of the Application  
of

**NOTICE OF DECISION/RESOLUTION**

**MUSLIM COMMUNITY OF TROY, INC. ("MCT")** File No. 2021-34

**177.0-8-1.112 & 177.0-8-41**

For a Special Use Permit

---

**WHEREAS**, Applicant, MUSLIM COMMUNITY OF TROY, INC. ("MCT") applied for a special use permit/special permit ("special permit") to allow the operation of cemetery, to be located at 2655-2657 Phillips Road in the Town of Schodack, Tax Map 177.0-8-1.112 and 177.0-8-41, which property is located within a Residential Agricultural (RA) District; and

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

**WHEREAS**, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on December 6, 2021; and

**WHEREAS**, following the aforesaid public hearing, at its January 3, 2022 meeting, the Planning Board resolved to issue a Negative Declaration under for the proposed action under SEQRA, the contents of which are incorporated herein with full force and effect; and

**WHEREAS**, at its January 3, 2022 meeting thereafter, the Planning Board found and determined the following.

1. Applicant proposes to establish and operate a cemetery at 2655-2657 Phillips Road in the Town of Schodack, Tax Map 177.0-8-1.112 and 177.0-8-41, which is to be constructed in four phases, involving approximately twenty acres of land and more than fifteen acres of physical ground disturbance, which property is located within a Residential Agricultural (RA) District. Such activity is permitted at such location by special permit. The procedural history is also set forth in the Negative Declaration and is incorporated herein by reference.

2. The Planning Board notes the Applicant has been operating such an operation at another location outside of the town (North Greenbush") and no information has been

provided that that in any manner suggests that the Applicant has operated such facility in a manner that is in any way disturbing to its neighbors. Applicant states that such location has reached its maximum capacity.

3. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood.

4. It is hereby determined that the proposed area and usage thereof 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. At a minimum, the objectives as set forth in Section 219-71 and 219-72 are met, in that it is determined that the subject use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular, all for the reasons set forth herein, as well as the reasons set forth in the accompanying contemporaneous other decisions and determinations made. Notably the Board has especially considered the following statutory criteria (in bold):

**The Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. The Planning Board may attach such reasonable conditions and safeguards as it deems appropriate as part of its approval. The Board shall take into account the special conditions set forth in this Article for any use requiring Planning Board authorization in addition to the following general objectives:**

**A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to the existing or future streets providing access shall be in harmony with the orderly development of the district.** As more fully detailed in the Negative Declaration, the Board finds the subject operation of the proposed cemetery is not intense, especially factoring in the size and location of the parcel of land involved and the number of phases involved and the length of projected time for buildout in each such phase, as more detailed in the Site Plan Approval Resolution.<sup>1</sup>

---

<sup>1</sup> The procedural history and the findings and determinations in the Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

**B. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Only two buildings, which are to be 25 and 28 feet in height, are to be constructed, which the Board finds will blend in on the property and will be in harmony with the orderly development of the district.**

**C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near street corners or other places of public assembly; and meet similar safety considerations. The Board finds the accessway, and its 22-foot width, both adequate and not excessive. The Board notes this based on the past number of burials that have taken place as well as the number of reported number of attendees at burials.**

**D. Adequate off-street parking and loading spaces shall be provided to prevent parking in public streets of vehicles of persons connected with or visiting the use and the interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and loading. This factor is not applicable because all parking will be on-site as a driveway and parking area is on-site and will accommodate same.**

**E. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent possible. The site layout and landscaping and signage 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, including those of the neighborhood. It is determined that the burial, parking, and service areas are reasonably screened at all seasons of the year from the adjacent residential lots and streets, especially noting the 50-foot buffer from neighboring houses. The general landscaping of the lot will be still predominantly wooded, with approximately 15.5 acres being transformed from wooded to cemetery over the three phases of the Project, with phase 3 being projected to be built out 100 years from now. There will be 87.10 acres remaining at the end of phase 3. It is also noted that only 1.80 acres of the +/- 105-acre site will be for roads, buildings, and other paved or impervious surfaces.**

**F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of Schodack. The proposed use is in general harmony with the surrounding neighborhood. A Gathering Pavilion and Maintenance Area and Barn Building are proposed, with the former being 20 feet in height and the latter being 28 feet in height. It is noted that, per Applicant, burials usually have between five and fifty**

attendees. The Board, as more fully detailed in the Negative Declaration/Determination of Environmental Non-Significance, which is again incorporated herein, finds that there will not be objectionable noise, including because of the limited time that such burials are to take place. Moreover, no exterior lighting will be utilized. It is noted that traffic is expected to be minimal and relegated to the construction and burial and visitation of such burial sites. The landscaping plan is detailed in the Negative Declaration and in Applicant's November 5, 2021 submission.

**G. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.** This Board, as well as the engineer for the Board, has reviewed the proposed plans for the subject project and determined that it is readily accessible by all emergency vehicles, including the fire and police.

The Board further notes that Applicant's application has included a diagram, to scale, which displays the pavilion and maintenance building.

**THEREFORE, PLEASE TAKE FURTHER NOTICE THAT,** the Planning Board of the Town of Schodack has **GRANTED** the Applicant a Special Use Permit to allow the utilization of the subject property as a cemetery also subject to the following conditions:

1. that the application for a Special Use Permit be granted for an initial period of \_\_\_\_\_ ( ) months on the express conditions set forth herein, including:
  - a. that the operation conform and be conducted in the manner set forth in, and consistent with the plans, submission and all narratives made by Applicant, including all proposed rules and regulations as submitted therein; and
  - b. all conditions and requirements as set forth in the letters from Laberge Group to Denise Mayrer, Chair of the Planning Board, including but not limited to the October 14, 2021, November 18, 2021, and December 28, 2021 letters;
  - c. there shall be no waste/recycling areas, outdoor storage areas or exterior lighting.
2. that the Rules and Regulations of the Cemetery as prepared and submitted by the applicant and attached hereto be incorporated as conditions of approval of this Special Permit.
3. Compliance with all codes, laws, rules and regulations as well as all conditions and requirements of all Laberge Group review letters and all resolutions/decisions and determinations of this or any other board or governing body affecting the subject property.

Dated: January 3, 2022

Attachment = Rules and Regulations



Aubin moved; Johnson seconded to **waive** the reading and to **adopt** the **DECISION—SITE PLAN APPROVAL MUSLIM COMMUNITY OF TROY** File No. 2021-34

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, Leonard, LaVoie, Mayrer, Shaughnessy

Oppose: None

**STATE OF NEW YORK  
TOWN OF SCHODACK**

**PLANNING BOARD**

---

In the Matter of the Application  
of

**DECISION—SITE PLAN APPROVAL**

**MUSLIM COMMUNITY OF TROY**  
For Site Plan Approval

---

File No. 2021-34

**WHEREAS**, the Applicant, MUSLIM COMMUNITY OF TROY ("MCT"), seeks Site Plan Approval to construct a cemetery to be constructed in three phases and which involves approximately 20 acres of land and involves 15.5 +/- acres of physical ground disturbance ("the Project"). The entire parcel is 105 +/- acres. After project completion approximately 87.10 acres will remain forested compared to the current 96.20 acres currently forested and .40 acres will be meadows compared to the current 6.80 acres currently meadowed (the "Project Site"). The Project Site is currently zoned Residential Agricultural ("RA").

**WHEREAS**, the majority of the site is forested land and will remain so after the completion of the three phases that are before this Board for the Project;

**WHEREAS**, it is projected that phases 1-3 will provide approximately 5,000 burial plots and Applicant therefore projects that Phase I will be completed in around 30 years, Phase II will be completed in 85 years and Phase III in 100 years;

**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;" and

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

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

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

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

**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; and

**WHEREAS**, this Board has issued and adopted a Negative Declaration and made findings pursuant thereto, all of which are incorporated herein with full force and effect.

**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 site and its 22-foot-wide driveway have been designed to provide safe vehicular traffic access and include adequate road width for

emergency vehicles and circulation. It is noted that the usual number of people that attend a burial to be between 5 and 40 people with a maximum on rare occasion of 80-100 people.<sup>2</sup>

(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.

\*As noted in the Negative Declaration, the Project will not have any appreciable effect on traffic. As noted above, the usual number is 5-40 people and burials take place during a three hour window in the early portion of the afternoon. The on-site parking lot can accommodate 80 cars.

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

\*There will be no off-site parking and loading.

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

\*The Project involves the construction of a Gathering Pavilion that will 20 feet in height and the maintenance area and barn building (which will be 28 feet in height). Once again, the project site is part of a 105 +/- acre parcel that will remain heavily wooded after construction and phases 1-3 are completed the site as proposed will be compatible with existing and surrounding uses, especially given its size and heavily wooded nature. There will be no exterior lighting.

(5) The adequacy of stormwater and drainage facilities.

\* As noted in the Negative Declaration, there will not be a substantial increase in the potential for erosion, flooding, leaching or drainage as the stormwater system and grading were designed and are to be designed in accordance with all applicable standards.

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

\*These are also adequate for the Project as designed. The project proposes minimal water use and wastewater generation.

(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.

\*See 4 above, and as also noted in the Negative Declaration, the contents of which are once again incorporated herein with full force and effect. Notably, all areas on the site will be surrounded by no-cut, natural buffers, where further new trees will be planted aside from the existing ones being preserved. Within burial areas certain trees will be

---

<sup>2</sup> The procedural history and the findings and determinations in the Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

preserved as well. Additional trees are also to be planted on site. The Board finds that there will be sufficient vegetative buffers.

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

\*N/A.

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

\*See 4 above; the subject Project is part of an existing residential/agricultural/rural site. It will not have any appreciable effect on traffic or create any noise issues, will have no exterior lighting, and will have a natural barrier.

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

\*As designed, same are sufficient.

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

\*See above; as designed, and as more fully detailed in the Negative Declaration, same are sufficient.

**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 October 15, 2021, November 18, 2021, and December 28, 2021 letters(the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned Laberge Group letters and any other prior or subsequently issued letters not superseded thereby, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus following conditions:

1. Compliance will all conditions as set forth in any other decisions and/or determination of this Board concerning the subject property, including the Special Permit and WQCA permit.

2. All other conditions imposed in the Laberge Group's letters of October 15, 2021, November 18, 2021, and December 28, 2021 and any of their prior or subsequently issued letters.

3. A letter from Applicant that it will comply with all conditions and requirements set forth herein and in any issued approvals and permits.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** this Board makes this determination based upon the reasons set forth in the October 15, 2021, November 18, 2021, and December 28, 2021, letters from Laberge Group to Denise Mayer, Chairperson, the adopted Negative Declaration and all findings made pursuant thereto, 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 for the subject project 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(s) by the following vote:

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

**THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT** the Planning Board of the Town of Schodack **HEREBY RECOMMENDS APPROVAL** to the Building Department of a site development permit conditioned upon all necessary approvals being in place, including but not limited to the foregoing conditions.

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

**Site Plan /Special Permit**

Green Dale Community Solar Farm  
County Rt. 32  
Proposed - PD-2 Utility Solar

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

Gillian Black was present for this meeting,

Mr. Black stated they are looking for the PDD to get referred to the town board. He also stated they have received an approval from the ZBA for the 100-foot set back.

Mr. Johnson stated he's had asked for letters from the town of Kinderhook planning board that they have approved all the changes, have we seen any?

Mrs. Fuda stated we have not, we can make sure that we receive the letters before the final approval meeting.

Mr. Black stated OK, they have approved it and it is contingent on this board approving it.

There was no further discussion on this application other to agree to send this to the Town Board for the PD application for certification.

LaVoie moved; Shaughnessy seconded; for the Planning Board do a resolution Certifying the PD application to the Town Board.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Laberge Letter Dated - December 21, 2021

**Re: Revised Site Plan Preliminary Review**

Green Dale Solar

SPB # 2020-28

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

- Letter from Young/Sommer LLC dated 12/07/2021 regarding the project's ZBA approval of a requested variance for a 100 ft. rear yard setback and the request to be placed on the Planning Board agenda for a referral by the Board to the Town Board for the Green Dale Solar project SPB # 2020-28.
- Environmental Design Partnership, LLP (EDP), letter dated 12/15/2021 indicating ZBA approval of variance as noted above and indicating that all previous review comments by Laberge Group have been addressed.
- EDP Proposed Site Plans for Green Dale Solar Farm Green Dale Solar LLC plan sheet 1 thru 12 of 12, dated 01/22/2021 revised to 12/14/2021.
- EDP Stormwater Management Narrative dated January 2021 revised to October 2021; and
- EDP Storm Water Pollution Prevention Plan dated October 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. Both the plans and the Storm Water Pollution Prevention Plan should be updated to include in the sequence of construction and a required preconstruction meeting with the Town of Schodack's Stormwater Management Officer, other Town officials, and the Town's MS4 Consultant.
2. The locations of the stormwater management facility signs should be called out on the plans.
3. The phasing plan phases should indicate all the proposed work to be included in a phase such as installation of erosion and sediment controls, clearing, installation of flow dispersion devices, stormwater management facilities, grading, soils restoration and stabilization, etc.

The applicant should submit the required/requested information for further review.

Regarding SEQRA, the project revisions do not alter the previous findings statement and Negative Declaration.

#### **Recommendation for PD Application Certification to the Town Board**

The project is subject to §219-39.3 of the Town's zoning law. As such, the application must substantially comply with the process for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval of the proposed PD-2 designation for the proposed utility scale solar collector system. We find the application to be complete, and we further recommend certification of the application by the Planning Board to the Town Board.

#### **Recommendation for a Favorable Recommendation of the PD Application to the Town Board**

Lastly, after review of the material submitted, we find the following:

- a) The plan conforms to the Town's Comprehensive Plan.
- b) The plan meets the plans and objectives and general criteria of 219-32.2 and 219-39.3.
- c) The plan concept is sound and meets local and area wide needs; and
- d) The plan, when approved by the Planning Board, will provide adequate physical and human protections.

With these findings in mind, we recommend the Planning Board make a Favorable Recommendation to the Town Board regarding the PD Application.

Assuming favorable Town Board consideration of the PD Application, the applicant should submit the required/requested information to the Planning Board for further review. Please contact our office with any questions or comments on the above.

By: \_\_\_\_\_  
Philip E. Koziol, P.E.  
Project Manager

PEK: jkb

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)

**Site Plan /change in Tenancy**

Jay Verro 2021-46/PD1/178.-3-6.223  
81 Miller Road  
Proposed - change in Tenancy  
New Medical office

Jay Verro, NAI Platform of Albany, was present for this meeting.

Mr. Verro stated they have an application for a change in tenancy at 81 Miller Road. the office is a 2200 sq. ft. office space on the first floor, this board approved an urgent care for this space about 3 years ago. They didn't make it through COVID and left the building last year and the new tenant, two new acupuncture doctors want to move into the area they are taking about 55% of the space, they will work with the building department on the changing of the space.

Mr. Johnson stated the application shows 4 treatment rooms but there is no space shown for the Drs sit and do their paperwork.

Mr. Verro stated this is the design they that they approved, they will do the reception and the breakroom area they do most of their stuff in the treatment area, also they are paperless everything is done on their I-Pads. They are not like a typical doctor's office.

**TYPE II ACTION**

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

Shaughnessy moved, LaVoie seconded.

6 Ayes. 0 Noes . Motion carried.

Ayes: Aubin, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None



Pursuant to the Environmental Conservation Law and the regulation adopted, the board has determined that the proposed action will not have a significant effect and will not cause a significant impact on the environment,

Be it resolves, The Planning Board determines that the lawful use of any buildings or use of land existing at the time of adoption of the water quality law may continue although such use or building may not conform to the provisions of chapter 223. Future repair and maintenance, or structural alteration of an existing use may occur, provided that the health and safety of the public will be protected, NYSDEC water quality standards will not be violated, and a new nonconformity is not created. This right shall extend to the new property owner, in the event of a change in ownership.

Johnson moved, Aubin seconded **APPROVAL** of a **change in tenancy** at 81 Miller Road for the use **New Medical Office**

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: none

#### **MEMBER DISCUSSION**

Stephanie Leonard - 1573 Columbia Turnpike we did a change in tenancy for A&K Automotive. The special use permit has the number of stored cars at 15. He currently has 25 cars, a boat, a bus, 2 towing trailers, a couple of snow pushers. She feel we need to revisit this application.

Mrs. Fuda stated in the file there is a letter from the code enforcement.

Chairwoman Mayrer asked for the length of the permit.

Mrs. Fuda stated 18 months, it was approved on October 5, 2020  
And the special use permit is dated October 20, 2020

#### **ADJOURN**

LaVoie moved, Leonard seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:43 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning