

**PLANNING BOARD MEETING - MARCH 21, 2022
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

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

MEMBERS ABSENT

Stephanie Leonard

APPROVAL OF THE DRAFT MINUTES FOR — FEBRUARY 7, 2022

Johnson moved, D'Angelo seconded that the draft minutes be approved as amended, as the official minutes of this meeting.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: 0

Abstain: Aubin

PUBLIC COMMENT

None

Public Hearing

Melissa Knights read the hearing notice(s) as published in the Troy Record:

John D Keller Jr published March 9, 2022

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

Public Hearing Opened at 7:00 p.m.

Public Hearing Closed at 7:10 p.m.

John D Keller Jr.
2465 Kraft Road
Proposed - Timber Harvesting

2022-2/RA/178.-8-14 + 178.-8- 5

Walter Chandler, Forestry Service LLC, and Peter Nickolas, Forester from F&W Forestry were present for this meeting.

Mr. Johnson stated on their letter they are leaving the tops 6 to 8 feet high, our code states 4 feet. What is the reason for the extra height? Although he agrees with the height it makes since to leave the tops to keep the deer from eating all the new growth.

Mr. Chandler stated the standard procedure is 4 feet, but they only do that if there will be brush piles.

Mr. Johnson stated is that along with the best management practices.

Mr. Chandler stated correct.

Mr. Johnson stated you are looking for relief from the best management practices of 4 feet to go to 6 to 8 feet treetops.

Mr. Chandler stated no that is actually a procedure they use to promote more growth, so he doesn't generally use that standard everywhere. The 6 to 8 feet is to promote more growth.

Mr. Johnson asked if they have a list and quantity of trees that they are going to harvest.

Mr. Chandler stated it is primarily red oak some white oak & maples and a few pine trees.

Mr. Nickolas stated no it wasn't in the paperwork handed in.

Mr. Johnson asked if they are aware of the 25-foot boundary to the neighboring property lines.

Mr. Chandler stated yes

Acreage being distributed is 25, the bond being set \$25.00 per acre - total of \$ 625.00

Term of the permit is for 1 year from tonight's meeting (3/21/23).

Shaughnessy moved LaVoie seconded to **close the public hearing**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose None

TIMBER HARVESTING

Aubin moved; D'Angelo seconded that the Planning Board be **LEAD AGENCY**.

PB 3/21/22

41-2022

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Aubin moved, LaVoie seconded that classification of the action as an **Unlisted action**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Shaughnessy seconded that a **Negative Declaration** to be issued for the proposed action to be drafted by attorney Crist.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

D'Angelo moved, LaVoie seconded that the **SPECIAL PERMIT** be **GRANTED** contingent on:

- a bond in the amount of \$ 25.00 per acre = \$625.00 will be required.
- this permit will expire on: March 21, 2023
- Attorney Crist will draft a document for Chairwoman Mayrer's signature. The document shall include hours of operation, Monday through Friday, 7 a.m. to 5 p.m., Saturday, 9 a.m. to 5 p.m. with no harvesting on Sundays and holidays.
- The Forrester agrees to use the New York Best Management Practices.
- There will be a 25' buffer on all adjacent properties.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision/ Lot Line

Joseph & Michelle Gregory

2022-1/RA/199.-2-2.11 & 4.1

2 Berzin Road

Proposed - Lot Line Adj.

Joseph & Michelle Gregory, applicants were present for this meeting.

Mr. Gregory stated they are looking to do a lot line to add land to their property.

Mr. Johnson stated the map looks to have all the information the board normally looks for, so he is ok with the map as it stands.

D'Angelo moved, Shaughnessy seconded, that the Planning Board be **LEAD AGENCY**.

PB 3/21/22

42-2022

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved; D'Angelo 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, Mayrer, Shaughnessy

Oppose: None

Shaughnessy moved, LaVoie seconded that the board resolves to issue a **Negative Decoration** for this action.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

Johnson moved, D'Angelo 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.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision/ Lot Line

Schodack Golf

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

92 Schuurman Road

Proposed - 12 lot Sub

Steve Hart, applicant was present for this meeting.

Board Member Laurance D'Angelo recused himself from this application.

Mr. Laberge spoke about his final SWIP letter dated February 23, 2022 (see below), and came up with 10 different items, they are objective and need to be taken care of by the applicants engineer, at that time he is recommending the plan be approved condition upon those items and the applicant be allowed to move to construction approval. Since that point Mr. Hart had submitted another set of plans which he is going to start review on them, but this does not stop from this approval. He also reminds the board that SEQR was completed

Mr. Hart stated on March 11, 2022 he resubmitted a new set of plans and addressed the comments they had; the first 5 comments were just repetitive from the other Laberge letters so there were basically 5 technical comments he addresses. He feels all have been address and if anything comes up it will be addressed at that time. The septic systems are all inground due to the good soils in the area. He discussed the letter for the bonding of the last 5 lots for the water extension.

Mr. Johnson asked about the bond, is the (T) part of the bond for the remaining lands?

Mr. Hart stated the (T) probably could get added into the bond, it will be used to connect the golf course and the pro-shop.

Mr. Laberge stated it will be in there it is his review letter and told Mr. Hart it needs to be shown on the final plan, which it is. he further stated to Mr. Hart that the bond will include planting of trees, request monumentation of the lots and them asking the board to sign the plat and be allowed to sell the lots from the first 6. Now the building department for the town should not issue any building permits for anyone who doesn't have water and sewer availability, basically the other 5 lots won't be able to get building permits until a water main is put in or wells to be drilled.

Mr. Hart stated understood.

Attorney Crist asked Mr. Hart what is the time period are you requesting for the bond.

Mr. Hart stated for a year, they are hoping to get things done in 6 months.

Attorney Crist read the following approval.

Laberge Letter Dated February 23, 2022

Re: Final Plan/SWPPP Review
Schodack Golf 12 Lot
SPB #2021-38

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

- Response letter dated February 16, 2022 as prepared by Hart Engineering to the preliminary subdivision review comments of January 25, 2022;
- Stormwater Pollution Prevention Plan Schodack Golf-12 Lot Subdivision revised February 14, 2022 as prepared by Barber Engineering; and
- Final plans last revised February 14, 2022 as prepared by Hart Engineering consisting of 17 sheets.

Upon review we offer the following comments that the applicant should respond to:

1. A recreation fee as determined by the Planning Office is required.
2. A Water District extension has been requested from the Town Board and it is expected a public hearing on same will be held at the next Town Board meeting. A water district extension is required.
3. Rensselaer County Department of Health (RCDOH) approval of the water main and septic systems is required. We have not reviewed the septic system plan or details (sheets 11-17) to avoid duplication of effort.
4. All sheets are to be sealed and signed by a licensed engineer or surveyor as appropriate.
5. Based upon discussion with the applicant's, engineer, we recommend the tree note be modified as follows on both the Site & Utility Plan, the Grading and Drainage Plan, and sheet 17:
"All reasonable efforts to save the trees shown on the existing conditions plan within 25' of the right of way of Schuurman Road shall be made during both utility construction and home building. Two deciduous street trees shall be planted on each lot within 10' of the right of way approximately 75' +/- on center. The spacing of the new street trees may be modified if necessary to avoid an existing tree but must be within 10' of the right of way, but no closer than 3' of the right of way."
6. Lot pins should be shown to be installed on all proposed lot corners, including rear lot corners. The typical lot detail note on sheet 17 should be revised as well.
7. The deciduous tree planting detail should indicate trees shall be planted three feet (3') from the right of way line.
8. The applicant should show the piping of the downspouts to the drywells on the grading drainage plan.
9. Regarding the water main extension plans and details:
 - a. The typical water tap detail for tapping the existing water main for new services should only show and call out the use of all stainless-steel tapping saddles. A concrete block or foot piece is required for all curb boxes. The phrase "as required" shall be deleted.
 - b. Record drawings including GPS located information shall be prepared showing all features including tap and curb stop locations. In addition, ties to curb stop locations must be shown from landmarks to remain on site such as major trees to remain that will not be removed. A prominent note to this effect shall be added to the water main plan and profile sheet and the new Water Service detail.
10. The note on the sheet C112 indicating that purchasers of the individual lots that they must adhere to the subdivision's SWPPP and conditions of the General Construction Permit GP-O-20-001, and the New York Standards and Specifications For Erosion and Sediment Control should also be placed on sheets C010, C011, C100, C110 and C111.

Closing:

The plans are sufficiently detailed and as such we recommend the Planning Board consider granting final subdivision approval of the major subdivision for construction conditioned upon items 1-10 above being satisfied. The applicant should prepare final plans and plat with the modifications noted above and a detailed cover letter responding to the comments and indicating what and where changes have been made.

Richard F. Laberge, P.E.
President

Cc.Craig Crist, Esq. (via email only)
Thomas Choquette, Applicant (via email only)
Steve Hart, P.E. (via email only)

**RESOLUTION OF THE PLANNING BOARD GRANTING CONDITIONAL
SUBDIVISION APPROVAL TO SCHODACK GOLF, LLC**

WHEREAS, Schodack Golf, LLC seeks approval for a proposed 12- lot major subdivision at 92 Schuurman Road.

WHEREAS, the Board has previously adopted a Negative Declaration pursuant to the State Environmental Quality Review Act for the proposed project.

WHEREAS, the proposed project has been carefully reviewed by this Board's engineer;

WHEREAS, Applicant has requested the ability to provide a performance bond to cover the full cost of the improvements as set forth on the subdivision plans and such improvements as required as a condition of approval as set forth and/or incorporated herein ("Improvements");

WHEREAS, Applicant has represented that in terms of cost, the bulk of the cost relates to the installation of a 12" water main on Schuurman Road which would service proposed lots 7-11, and other items being such things of a lesser cost, such as street trees and monumentation.

NOW THEREFORE BE IT RESOLVED THAT Schodack Golf, LLCs proposed 12-lot major subdivision is hereby approved subject to the following:

1. Compliance with and completion of all representations and conditions as set forth in all materials submitted by the Applicant in furtherance of its application; and
2. Compliance with and completion of all conditions as set forth in all engineering review letters from the Laberge Group, including, but not limited to as set forth in the LaBerge January 35, 2022 and February 23, 2022 letters and all provisions and requirements of the Town Subdivision of Land and Design and Construction Standards and Code of the Town of Schodack ("Town Code"); and

3. In an amount of to be set by LaBerge Group, Applicant shall file with the Town Clerk a certified check to cover the full cost of all required Improvements, or file with the Town Clerk a performance bond to cover the full cost of all required Improvements. Any such bond shall comply with the requirements of sec. 277 of the NYS Town Law and further shall be satisfactory to the Town Board and Attorney for the Town and the Attorney for the Planning Board as to form, sufficiency, manner of execution and surety. The time period of **1 year** shall be set forth in any bond within which time the required improvements must be completed; and

4. All required improvements shall be completed in accordance with the Town Subdivision Regulations and Design and Construction Standards and to the satisfaction of the Town Engineer and a no bond shall be released until same has occurred and a map submitted and approved by The LaBerge Group per the requirements of sec. 188-8(3) of the Town Code and the payment of all review fees incurred by the Town.

Johnson motion, Aubin seconded to approve the above resolution

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, Johnson, LaVoie, Mayrer, Shaughnessy

Recused: D'Angelo

Site Plan /Special Permit

Van Hoesen Station

2021-24/PD3/189.-10-36

1735 Richwood Drive

Proposed - PD2 site plan - **update site plan**

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

Mr. Lansing stated this is a PD2 rezone and site plan, a few months ago they were before the board looking for a determination of completion of the materials that were submitted and also a referral to the town board. Since the last meeting they worked on various items that are required for the board to create a SEQR determination. They are ultimately looking for a referral to the town board. The overall parcel is approximately 49.8 acres, zoned PD3, they are proposing to change the zoning to a PD2 which includes 192 market rate rental apartments, 70 attached town houses, 5000 sq. ft. community building, and an 1800 sq. ft. maintain building, in the back of the site there will be 40 rental storage units for the tenants of the complex. With a host of amenities. They are looking for SEQR determination and advancing this to the town board.

Mr. Johnson stated on the environmental resource mapper, the questionnaire in the back on page 7 on the timber harvesting, it states zero timber harvesting. You are not cutting down any trees for this project.

Mr. Ruthman stated one of the items on the agenda this evening is the extension of the timber harvest permit. The extension is need as a result of the harvester having been in a head on car accident so there is clean up that needs to be completed. At this point there will not be further harvesting it just cleaning up and stabilizing the site. if your asking if trees will be cleared as a result of the project, then yes.

Mr. Johnson stated then that needs to be changed on the mapper.

Mr. Lansing stated he will adjust the mapper.

Mr. Johnson stated on the plan he doesn't see enough sidewalks, there's sidewalks on front of the building by the parking lot but everyone who comes to move in they have to park right at the entrance because they can't park elsewhere and use a sidewalk to move into the building. it an inconvenience to the tenants.

Mr. Lansing stated there is a sidewalk that follows all the main roadways in the project, so there is an access to use the sidewalk. They will look into extra sidewalks and review it for the site plan.

Mr. Shaughnessy states one of the responses to Mr. Laberge comment letter if the schedule line between this project and the proposed sewer expansion, that a temporary subsurface wastewater disposable system, have you determined on the plans where the leach field will go.

Mr. Lansing stated that would be option for a temporary measure, he does feel that public sewer will be available at some point in time, they will put a septic system in the center of the site, once public service is available, they would then remove the system any build on that area.

Mr. Laberge asked if are they proposing a centralized system decentralized fields ? reason he is inquiring he is going to have to look at the materials and the SEQRA aspects of the this, the board needs to know if it is feasible. Is there a concept plan for the septic systems?

Mr. Lansing stated that would have to be dovetailed into the phasing plan of the project. They would rather not construct the system where units may go but if it comes to that and public sewer is not available, they may consider doing a formal concept plan. If the town states that sewer hookup will not be in the near future, then the applicant may put this project on hold.

Mr. Laberge stated with the centralized system decentralized fields you will need a SPEDES permit.

Mr. Lansing stated they would be over a 1000 gallons a day so yes, they would need a SPEDES permit.

Mr. Laberge stated the board will need a little more understanding on the septic fields and would be part of the next comment letter. On Mr. Johnsons sidewalk comment, not only an internal sidewalk but an external sidewalk on Rt. 9 is also a town request. Just like with the Amazon project they agree to install sidewalks at the towns request. But thinking ahead the idea of getting the sidewalk along Rt.9 as it develops for pedestrian use is important. On the sight distance onto Rt.9 from the development is limited, and a lot of that was resolved with the tree cutting and the brush being cleaning up in that area. His office needs to get into the SEQRA process and the certification process. This project has been dormant for a while and with an updated site plan the board needs an opportunity to review and comment more on this new plan.

D'Angelo moved; Shaughnessy seconded to deem this application incomplete and remain with engineering.

6 Ayes. 0 Noes. Motion carried.

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

Oppose None

KME Property Development

2022-3/HC1/189-10-40.12 &40.2 &41

1764 Columbia Tpk.

Proposed -Retail/storage/Restaurant - intro - go to Rich

Steve Lucius, Boher engineering, KME Property Development were present for this meeting.

Mr. Lucius stated the redevelopment of this property was changed from a gas sales and apartments to a shopping area called Schodack Commons Shopping Center, this is a permitted use in this zone with a special permit with the planning board, he then went over the map explaining the 4 phased development, the first phase would be the access road will be connecting Rt's 9+20 and Rt.150 going to the 3-story climate control storage units building, future phases will comprise of, retail, may include a restaurant/drive thru and other possible tenants. As part of the project, they will have to do a lot line adjustment. It currently 3 lots and they will be moving the one line to include the access drive. there will also be variances associated with the setbacks that are on the site, there is a minimum setback of 50 from the roadways and they feel the extra ordinary right away in the area that they are still plenty far back from the road. The one DOT right-a-way is 120 feet

deep. The point of being in front of the board tonight is to show the changes they made and to get some feedback they would like to request a positive recommendation to the zoning board on the required variances.

Mr. Johnson asked is there any consideration to getting fire access to the back of the storage building.

Mr. Lucius. Stated that is something they have considered, and they have a little bit of an area that is flatten out behind the building so there is potential for that should they move on to site plan review they should be able to add access .

Mr. Johnson stated your plan show only one entrance into the storage building.

Mr. Lucius stated correct.

Mr. Johnson stated on the drive Thru if a car comes in off of Rt. 9+20 heading east, they either go back out onto the main road or go through the drive thru, is there any way to make it so they can drive through the parking area to get to the parking lot in front of the restaurants. You might want to make it wider so people who are not picking up food can use the second lane to get by.

Mr. Lucius stated you mean a bypass lane; they can add it.

Mr. Johnson asked about the plantings for the site, consider where the placement would be for trees, flowers, and such with future submissions.

Mr. D'Angelo asked if the storage facility heated, and what kind of building is it, masonry other than a tin storage building.

Mr. Cioffi stated the building will be climate control and similar to the Maybes storage just installed.

Mr. Aubin stated the phase 4 of the project is retail, what about delivery of supplies, this should also have loaded dock in back of the building. At least a 20-foot-wide access for truck traffic to make those deliveries.

Mr. Lucius stated that is definitely something that they will consider depending on what tenant would end up being the end user. If it is something that doesn't warrant to much loading maybe, then we wouldn't need the access.

Mr. Laberge asked about the entrance off of Rt.150, and the grade they are currently dealing with.

Mr. Lucius stated its about 6 percent, they do not usually want to go over an 8 percent in grade.

Mr. Laberge stated that is the existing curb cut that was left by DOT at the top of the hill.

Mr. Lucius stated he is not sure if the aerial view completely aligns with the curb cut.

Mr. Laberge stated there is sight distance issues to deal with on that hill. Also, this site is an interesting site because Rt. 150 is so much higher, besides access to the rear buildings there is the building roofs being seen coming down Rt.150 this view shed needs to be looked into for screening. Another item is the storm water, do you think all the storm water will make it to the ponds.

Mr. Lucius stated the ponds will serve a chunk of the western side of the site and they will probably have some underground storage as they gets closer to Rt. 9&20

Mr. Aubin asked about the 6 spaces in front of the storage units, is that adequate for this type of service.

Mr. Cioffi stated maybe there would be 2 or 3 people to access the building a one time, usually there is only one person there. There will also be an overhang for people to be under for unloading.

Mr. Aubin stated take that whole thing and just mirror it and flip it so the back of the backs of those building are facing the storage units and the face the building towards Rt. 150 along with the parking lot.

There was further discussion on the parking arrangements, and it was decided by the applicant to take all the comments and review their plan.

A resident Thomas Cruden of Luster Terrace asked how far back were they clearing the site he lives in the home directly behind the hill.

Mr. Cioffi stated they are not clear cutting like the front, he would always have a tree buffer on the hill.

Aubin Moved; Johnson seconded for the planning board to seek lead agency
6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Van Hoesen Station

2019-36/PD3/189.-10-36

Proposed Timber Harvesting

Morgan Ruthman - timber harvesting extension for 6 months

TIMBER HARVESTING RENEWAL FOR 6 MONTHS

Shaughnessy moved; Johnson seconded that the Planning Board a grant 6-month extension to the existing timber harvesting permit due to unforeseen circumstances.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

ADJOURN

LaVoie moved, Johnson seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:30 p.m.

Respectfully submitted,
Melissa Knights / Planning office