

PLANNING BOARD MEETING – SEPTEMBER 19, 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
James Shaughnessy, P.E.
Stephanie Leonard
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Planning Office

MEMBERS ABSENT

Andrew Aubin, P.E.

APPROVAL OF THE DRAFT MINUTES FOR — AUGUST 15, 2022

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Absent: Aubin

PUBLIC COMMENT

Resident spoke about the Van Hoesen Station project.

SUBDIVISION /LOT LINE

Roohan & Wilson
15 & 17 Bayberry Drive
Proposed – 2 lot line adjustments of a paper road

2022-22/RA/188.2-2-8

Mr. Roohan, applicant was present for this meeting.

Mr. Roohan stated there is a paper street between himself and his neighbor and they are looking for approval on a lot line adjustment.

Attorney Crist stated the town board will need to approve the abandonment and transfer to applicants in order for the Planning Board to be able to approve this lot line adjustment.

Mr. Johnson stated he would like to see the map show the acreage before the lot line adjustment and the total acreage after the lot line is complete.

Ms. Knights stated that I will check with the town board to see when the resolution was or is to be done to release this property.

Site Plan / Special Permit

Kevin Cioffi

2022-23-/HC/220.-3-11

950 Rt.9

Proposed - Storage units

Steve Hart, Hart Engineering and Kevin Cioffi, applicant was present for this meeting.

Mr. Hart stated Mr. Cioffi is looking to add 2 more storage buildings to his existing storage lot on Rt. 9. He showed a map giving details where the new building will be located on the site.

Mr. Laberge asked when the original units built,

Mr. Cioffi stated other than the 2 he built a couple of years ago the rest were built somewhere between 1989 to 1991

Mr. Laberge stated to Mr. Hart that storm water quality control may need to be looked into. Also, the town requires down cast and cut off lighting.

Mr. Shaughnessy asked if Perfect Game was still doing business in the big garage and how will this effect parking for their training classes

Mr. Cioffi stated yes Perfect Game is still using the garage for training and their parking will not change, but when they leave the building will also be used for storage such as Campers or boats

Addition and Modification

LEAD AGENCY

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

NEGATIVE DECLARATION

D'Angelo moved, LaVoie seconded to adopt a **NEGATIVE DECLARATION** to be drafted by the attorney for the planning board.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

UNLISTED ACTION

Johnson moved; Leonard seconded that the board resolves to issue a **UNLISTED ACTION** for this action.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Addition and Modification

LaVoie moved; Leonard seconded approval of this new site plan with the addition of (1 or 2) for storage

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan / Special Permit

Mirabito

2022-21/LB/210-7-41.15 & 41.16

16 Business Blvd.

Proposed - Office & Bulk Propane Plant

Stacy Silvers, Hiltz Propane Systems and Jeff Stone, Mirabito Rep. were present for this meeting.

Ms. Silvers stated the company would like to install 2 - 30-thousand-gallon propane storage tanks on the property address 16 & 18 Business Blvd. The property has been merged into one lot, but the address stayed the same. She submitted for the boards review are the plans and the system lay out including the setbacks and fencing and placement of the tanks. They do a full fire safety analysis for each of their clients. She handed Mr. Laberge the copy she had for my file (document NFPA58) and sent him a pdf during the meeting. They contact the local fire department to make sure there are water, fire fighters available and their response time to this site. She spoke to Chief Tom Davis, and they have vetted the site to make sure they had all qualification.

Mr. Johnson asked about the planned trips for the supply and delivery trucks.

Mr. Stone stated currently they run propane trucks out of Business Blvd, but they currently lease storage in Rensselaer for the tanks and are looking to move them to their site. In the winter they run about 4 single axle delivery trucks to homes and businesses and in the summer, it is 2 trucks. If the added storage is approved, they are looking at up to 1 to 2 transports to refill the 2 main storage tanks and that will drop off as it warms up.

Mr. Johnson asked if there was an automatic fire suppression systems required for these tanks.

Ms. Stone stated there is not. But because of NFPA58 and their guidelines they have automatic shut off should there be a spill or a break of a pipe. The same thing applies to heat actuated systems that are nitrogen lines that will melt and add additional shut down the system.

Mr. Johnson stated propane is heavier than air and lays close to the ground which makes it dangerous to handle for a fire fighter. Are there any special steps that are involved with training the fire fighters.

Ms. Stone stated she just gave all the information the Mr. Laberge and to Melissa for the file. Her company will also train the fire companies.

Mr. Johnson stated we have several different fire departments that are close you will want to train all the fire companies.

Mr. Stone stated what they have done in the past after was to invite the fire departments in for a night to have a basic propane class then bring them to the bulk plant and go through everything, they also bring in a transport truck to show them, they go through the entire process. and will send any firemen to the NYS fire academy in Montour Falls for the emergency response program training.

Mr. Johnson stated he just wanted to make sure that all the fire departments in Schodack are part of this training.

Mr. Laberge stated besides the fence is there any other improvements being made on this site like curb cuts are adequate and the turning radius is there,

Mr. Stone stated they can definitely do that.

This goes to Engineering.

Site Plan / Special Permit

Morgan Ruthman, Owner and Scott Lansing, Lansing Engineering were present for this meeting and Alanna Moran, PE, VHB Engineering

Mr. Ruthman spoke about the changes to the project and addressed the issues that Mrs. Bruner brought up in the public comment section. (see file for letter).

- On the rent - this will be a market rate apartment community this is not section 8 or low-income housing.
- On additional amenities - those include a dog park, community garden, club house, bike rentals, there will also be EB charging stations proposed in the parking lot.
- Dumpsters - are proposed in the court yards but that can be discussed with the planning board.
- The difference between Adams Station and Van Hoesen Station - this project is 2/3 the size of Adams Station so this is a much smaller project. water and sewer are still an issue they hope to work with the town on.
- Density - between this project and the single-family homes in Richwood, the site plan has been modified to reduce the density of the project and will be single family homes spaced out and not townhomes with 2 car garages and a driveway that will also hold 4 cars.
- Traffic - they had some updates in the letter of September 9th and more updated today that were forwarded to the board - DOT responding to questions 8 & 9 of the Laberge letter saying they did not warrant any turn lanes, so DOT did not approve any modification to Rt.9.
- Pedestrian access - there was a provision made for pedestrian access along Rt.9
- Clearing on Rt. 9 - they had worked with the town to have that cleared, they are happy to do whatever the town needs.

As far as the meeting tonight is concerned, in the course of a year of addressing engineering letters and submitting changes to the site plan they are looking for the planning board to declare itself as lead agency for SEQR, as of tonight's meeting if the planning office has not received any feedback from involved agencies and the planning board is seeking lead agency status or they should declare itself lead agency. he is not sure if that declaration has been made but is asking the planning board to make that declaration tonight. He spoke about the Laberge letter from a year ago and all the changes that have been made to the site in accordance with the town code and PD regulations for zoning & density stating many changes have been made

Attorney Crist asked Mr. Ruthman if he agrees that before any determinations can be made the SEQR has to be completed. As to complete or a recommendation to the town board.

Mr. Ruthman stated that's correct.

Attorney Crist asked Mr. Laberge if he believed we have enough information to proceed to make a determination under SEQR, Negative declaration or positive declaration not necessary for tonight's meeting but so a recommendation could be prepared for the board for the next meeting.

Mr. Laberge stated correct he thinks that the applicant through the course of correspondence and these meetings have submitted a lot of information, he is not speaking of the impacts of anything at this point or the analysis there of that needs to be done. But if there is nothing else the applicant wants to submit, and the board feels they want to proceed then we will do that. So, we can proceed with the SEQR analysis and the final review of the completeness and the recommendations to this board about certifying the application. And then the recommendation of the application to the town board. He asked the board if there was anything they wanted to bring up for this decision.

Mr. Shaughnessy asked is the certification of completeness and recommendation to the town board are two separate actions.

Mr. Morgan stated yes.

Mr. Johnson asked about the reason behind Mr. Tedisco reasoning for refusing to put 2 turning lanes out of Richwood Drive.

Ms. Moran stated generally DOT does not prefer to have 2 lane on an un-signalized approach to any intersection. Depending on traffic volume on the approach to the intersection and the levels of service on that approach they will maintain a single approach to the intersection.

Mr. Johnson asked so what happens to the residents if they find the traffic does build up and caused un-necessary delays.

Ms. Moran stated from the department perspective their number 1 concern is primarily safety of the traveling public, the 2nd concern is really the flow for the heavy volume roadways, so US Rt. 9 has the most amount of traffic. If for some reason the delays on the approach become excessive, we are talking an average of 60 to 90 seconds of delay on average, then the applicant would look into a change at the intersection.

Mr. Johnson brought up the intersection on Miller Road at the Mobil station where they have two lanes exiting the site one turning left and one right with only one entering and traffic coming to and from the Mobile station and the hotel creating lots of traffic and you don't think that putting in 2 lanes would mitigate the problem at Richwood Drive

Ms. Moran stated the analysis is showing that there is not a problem. That would be the difference between the two different sights. A gas station and a hotel would generate a lot more traffic than a housing development like Richwood Drive intersection.

Mr. Johnson stated on the clearing zone, last meeting it was discussed that you cant see when you pull out of Richwood Drive because of the overgrown foliage next to Route 9 as you are turning left, he made a point that a good neighbor who owns the property they would clear the area and if you need a permit from DOT you should do that. And nothing has been done.

Mr. Ruthman stated he apologies if that was something that was specifically requested, and he didn't follow you on it. than that is his responsibility, so he is going to make sure that is going to get addressed.

Mr. Johnson stated he is not sure how far the board is in the approval process about sidewalks in the parking area of the apartment buildings, he guess this could happen in the final design but there has been enough submittals this request should have been in the plans since he started harping on this for the last 8 months or so. When will he get to see the plans with the sidewalks included in them.

Mr. Ruthman stated procedure arrangements is where they are this time, this is the sketch plan procedure step of the PD2 - the plan he shows has the sidewalks connecting the building to the parking lot. Not going around the entire parking lot.

Mr. Johnson stated the sidewalks are inadequate. So, what you're saying, this is not going to get changed unless the board tells you are not going to get an approved until you change it.

Mr. Ruthman stated the planning board has the ability to approve this plan with modifications under the PD2 process that is under the planning board per view. So, if that is a modification the planning board would like to see made, he would encourage the board make that a note in its recommendation to the town board.

Mr. Johnson stated he has requested the sidewalks just about every time the applicant has been before this board. He doesn't represent the entire board, but he would like to see some things that are good for the project and this request is a minor thing to have a sidewalks in front of each unit building.

Mr. Ruthman stated they have looked at this very carefully and a lot of consideration which is reflected in the current proposed plan.

Mr. Johnson stated he still wants sidewalks.

Chairperson Mayrer asked about the septic.

Mr. Ruthman stated the septic plan is on the latest round of submitted plans to Mr. Laberge, they spoke about the operation in terms of the SPEDES permitting process, they have submitted the information and the DOH (department of health) process for design and maintenance of the system. It is conceptually planned to occupy the center portion of the project and upon decommissioning it will facilitate the construction of the center courtyard.

Mr. Laberge asked for that to be clarified, he thought it was moved further towards west for the property and asked Mr. Ruthman to point on the plans where he plans on having the septic field.

Mr. Ruthman stated he mis spoke; it is not in the middle of the site it was moved towards the back of the site.

Mr. Lansing stated they had done several test pits on the site, and they found better soils in the back portion of the site.

Mr. Johnson asked if they had any plans to use the leach field area for a soccer fields or just a park.

Mr. Lansing stated that is a possibility, the top of the system is smooth and flat.

Mr. Johnson stated that Mrs. Bruner asked about amenities so something like a playground could be installed, or a soccer / baseball field, something that will not impact the function of the leach-field.

Mr. Johnson asked if they had any plans to ask for a pilot.

Mr. Ruthman stated No.

Mr. D'Angelo stated he wanted to talk about the extra turn lane, if the town required it to be installed would the state not let that be built even though it is a town road.

Ms. Moran stated that is correct the state will not allow the town to construct the extra turn lane. It is there right-a-way, and the approach intersection is theirs.

Mr. Laberge stated if the town felt strongly about the extra turn lane the town could have a discussion just to make sure all the town points are made and see what could be done.

LEAD AGENCY

Leonard moved, Shaughnessy seconded, that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Leonard moved, LaVoie seconded that the Planning Board declare this a **TYPE 1 Action**

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Chairperson Mayrer stated this is deferred to the boards engineer for a recommendation as to the determination of significance pursuant to SEQRA

Site Plan / Special Permit

Cecile Gregory Solar

2022-19/RA/211.-2-1.21

3669 US Rt. 20

Proposed - Solar Farm

Bartolo Morales, Cipriani Energy Group, and Cecile Gregory, landowner were present for this meeting

Mr. Laberge stated we have received an extensive package in response to his letter and he has not been able to get through the amount of paperwork sent in, so the applicant is here to go through the major items, there is no need to talk about the SWIPPP details that Phil Koziol put together for them,

Mr. Morales stated talked about the information they submitted a week ago. They have a question about open spaces contained in article 12, he reached out to Mr. Koziol to get a better interpretation of this section, it says that open space shall remain forever, and his answer was (that is irregardless of the option agreement - duration which is set up for 35 years), he believes that it won't be automatically resume back to residential/agricultural. So they submitted their open space proposal area they just want to confirm that's interpretation is correct.

Mr. Laberge stated he and Mr. Koziol spoke on this, a lot of PD get buildings build up on them and there is not necessarily as removal as a solar facility, the issue is the course of the lease is 30 to 35 years and the facilities get removed, does the PD designation stay on the property ?, if the PD does remain on the property the open space requirement would stay on the property as well. The internal discussion would deter to the town's legal team to determine if the PD should stay and be removed. If the open space wants to be removed our engineering non-legal opinion is that landowner would petition the town board to remove the PD overlay and at the same time requirement for open space would then be removed.

Attorney Crist stated he agrees with Mr. Laberge's explanation. It is a town board creation and a town board undoing. At to specific provisions of your looking of an interruption of the code the planning board doesn't have the power to do that, that would be a building inspector determination.

Mr. Morales stated he would follow up with the building inspector for the determination/.

Mr. Laberge stated just make sure your question is clear, and if you have multiple questions make sure you break them out, so the building inspector knows what to look into.

Mr. Morales asked Mr. Laberge if he had a chance to look at their responses to his letter and if he had any questions.

Mr. Laberge stated the fence line along Rt.20 is within the setback and his next letter it will state the fence needs to be at the 200-foot setback.

Mr. Morales stated the 200-foot setback is from the read to the fence.

Mr. Laberge stated correct. the next comment has to do with the lease line. he didn't see it marked out on the plans. Within the lease line, we need to see the facility, the 35 % green space because the lease line will become the boundary line of the PD.

Mr. Morales stated it was submitted.

Mr. Laberge stated his third point was the tree trimming, there is proposed tree trimming up to the property line his office has asked for some visuals for review.

Mr. Morales stated they had submitted the line of site analysis that clarifies the section.

Mr. Laberge went over the plans he received, stating the light green area will be all cleared for the facility, the pink area will have trees trimmed so the sun can get to the array. He want to make this clear to the board.

Mr. Morales asked it if the board was going to seek lead agency.

Attorney Crist and Mr. Laberge stated we could send out coordination letters seeking lead agency.

D'Angelo moved; Shaughnessy seconded to the planning board to **seek lead agency** status for this project and to coordinate the reviews with involved agencies

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Mr. Johnson asked about the tree trimming stated they said it was necessary to make this a viable project, he doesn't think it is necessary for this board to go against the town code to make this a viable project. if cutting within the 25-foot property line isn't done for timber harvesting he doesn't see where tree trimming makes that big of a difference. He would like to see, and arborist go out and study the trees and make sure you are not destroying the trees so in the end you have a bunch of dead stumps instead of viable trees. You also mention you need to be close to the stream in order to make this a viable project, he believes this is also against the town code. We should get something from the Zoning board of appeals that allows something less than code.

Mr. Bartolo stated they are avoiding disturbing the stream area.

This is returning for further review with the boards engineer Mr. Laberge

MEMBER DISCUSSION

White River Rt.9J retaining wall.

Chairperson Mayrer stated the town has received a complaint on the White River Solar Retaining wall on Rt. 9J, the retaining wall was crumbling and what was newly installed is an eyesore and needs to be mitigated the issue and either do what was according to the plans or submit a remedy.

Ms. Knights stated what she heard from the building inspector what the plans had would not hole the land back.

Chairperson Mayrer stated they should have put the proposed brick in front of this structure.

Mr. Shaughnessy asked when you talk about the stop gap measure what time are you talking about.

Chairperson Mayrer stated they have to now address visual part of it. what was proposed was crumbling so they put up the steel to stop anymore deterioration of the retaining wall.

Mr. LaVoie asked if they were going to build in front of it.

Chairperson Mayrer stated yes.

Mr. Laberge stated what was installed was sheet piling and what was on the approved plans was a concrete retaining wall structure and the face resembling large block. He doesn't know if putting that same thing in front of the existing structure will fit between the transformer gear box but if they used some large ready block to give it a masonry look as well. But we were never informed of the change by their engineer like we should have, and this could all have been dealt with. He feels this should start with the building department he either has to flag it, tag it and ask for some details, but he can call Mr. King and try to express what he thinks his process might want to be. Mr. Johnson's concern is what was built, is it strictly sound, was there any engineering involved, or did they just install the sheet piling's by vibrating it down into the clay.

Mr. Johnson stated if the sheet wall is adequate to support the hill, he would say they could just put a face over the sheet wall.

Mr. Laberge stated he will do a little coordination with Mr. King.

ADJOURN

Leonard moved; Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:45 p.m.

Respectfully submitted,
Melissa Knights
Planning & Zoning